



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

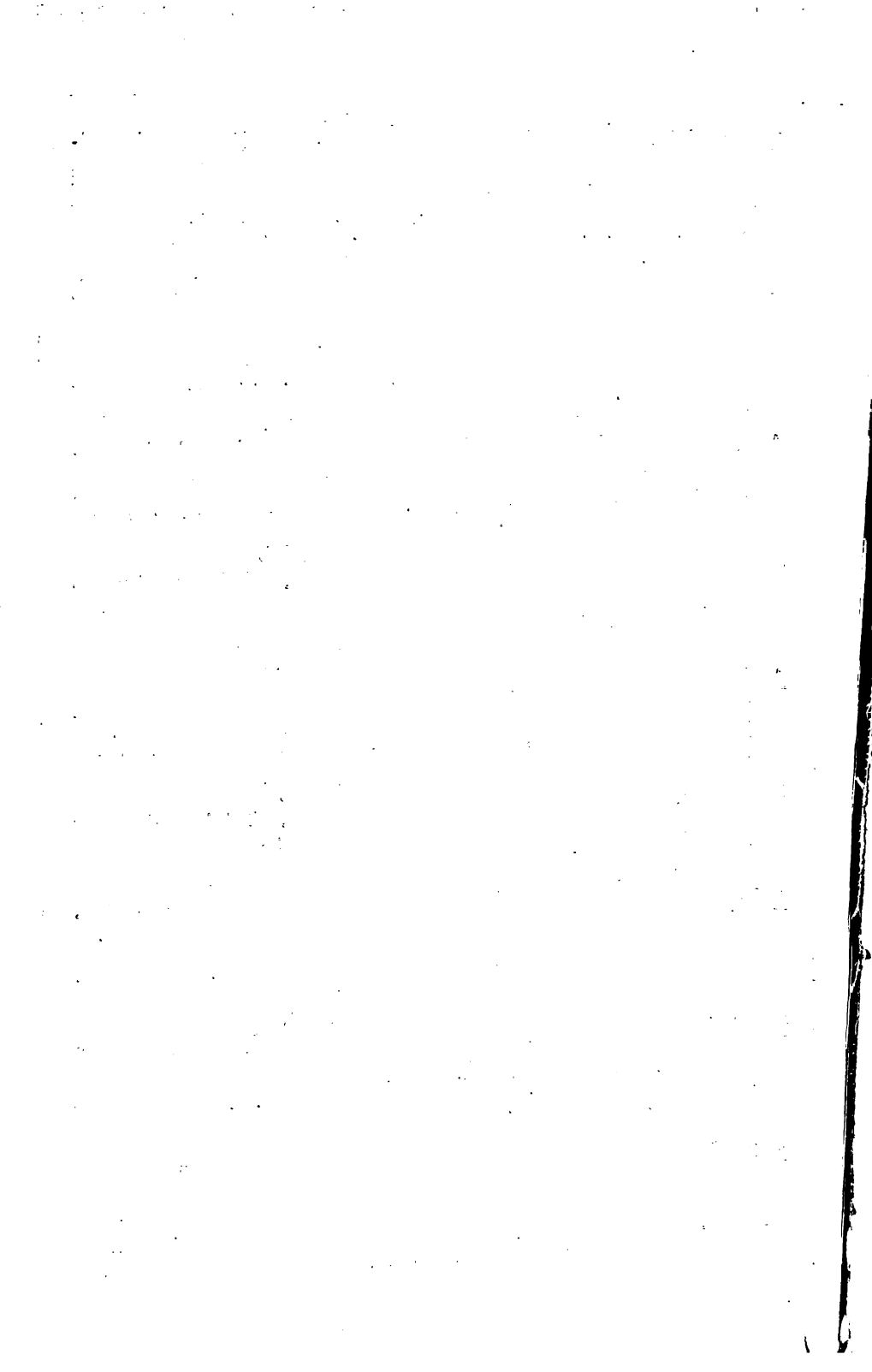
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



CHAPTERS
ON THE
LAW RELATING TO THE COLONIES.



©

CHAPTERS

ON THE

LAW RELATING TO THE

COLONIES.

TO WHICH IS APPENDED

A TOPICAL INDEX

OF

CASES DECIDED IN THE PRIVY COUNCIL

ON APPEAL FROM THE COLONIES, THE CHANNEL ISLANDS

AND THE ISLE OF MAN,

REPORTED IN ACTON, KNAPP, MOORE, THE LAW JOURNAL
REPORTS, AND THE LAW REPORTS, TO JULY, 1882.

BY

CHARLES JAMES TARRING,

OF THE INNER TEMPLE, ESQ., BARRISTER-AT-LAW.

LONDON:

STEVENS AND HAYNES,

Law Publishers,

BELL YARD, TEMPLE BAR.

1882.

£-500.95

~~11/12/70~~

JAN 19 1880

Summer fund.

LONDON :

BRADBURY, AGNEW, & CO., PRINTERS, WHITEFRIARS.

TO

MY FRIEND,

SHELDON AMOS, M.A.,

LATE PROFESSOR OF JURISPRUDENCE IN UNIVERSITY COLLEGE, LONDON.

PREFACE.

THE following pages are the result of an examination of the reports of cases decided in the Privy Council on appeal from the Colonies to the Sovereign ; and of an attempt to collect, arrange, and briefly describe the existing Statutes of the Imperial Parliament which relate to the Colonies. It did not come within the scope of the writer's design to treat of the great dependency of India.

The Topical Index of Cases is intended to serve as a compendious guide to the volumes of the Privy Council Reports, so far as they are concerned with the Colonies. For the sake of completeness, however, the few cases from the Channel Islands and the Isle of Man have been added, though those territories can hardly be considered as Colonies, strictly speaking.

It has been thought sufficient to give in the body of the text a reference under each case to one set of Reports only ; but in the Table of Cases and the Index to the Names of the Cases the references are given to

all the principal reports in which the cases are to be found.

Some few of the Statutes here presented would seem to be obsolete ; but it is hoped that none have been included which have actually been wholly repealed.

C. J. T.

TEMPLE, *July*, 1882.

CONTENTS.

	PAGE
TABLE OF CASES CITED	xi
TABLE OF STATUTES CITED	xv

INTRODUCTORY.

Definition of a Colony	1
----------------------------------	---

CHAPTER I. .

The laws to which the Colonies are subject	3
Section 1.—In newly discovered countries	3
Section 2.—In conquered or ceded countries	10

CHAPTER II.

The Executive	24
Section 1.—The Governor	24
A.—Nature of his office, power, and duties	24
B.—Liability to answer for his acts	30
I.—Civilly	30
1. <i>a.</i> —In the courts of his Government	30
<i>b.</i> —In the English courts	31
2.—For what causes of action	32
II.—Criminally	36
Section 2.—The Executive Council	40

CHAPTER III.

The Legislative power	43
Section 1.—A. Crown Colonies	44
B. Colonies possessing representative institutions, but not responsible government	45
C. Colonies possessing responsible government	46
Section 2.—Privileges and powers of colonial Legislative As- semblies	49

CHAPTER IV.

The Judiciary and Bar	PAGE 59
---------------------------------	------------

CHAPTER V.

Appeals from the Colonies	72
-------------------------------------	----

CHAPTER VI.

Imperial Statutes relating to the Colonies	79
Section 1.—Imperial Statutes relating to the Colonies in general	79
Section 2.—Imperial Statutes relating to particular Colonies .	85

TOPICAL INDEX OF CASES DECIDED IN THE PRIVY COUNCIL ON APPEAL FROM THE COLONIES, THE CHANNEL ISLANDS, AND THE ISLE OF MAN, REPORTED IN ACTON, KNAPP, MOORE, THE "LAW JOURNAL" REPORTS, AND THE LAW REPORTS, TO JULY, 1882	97
---	----

INDEX OF TOPICS OF ENGLISH LAW DEALT WITH IN THE CASES	177
--	-----

INDEX OF NAMES OF CASES	181
-----------------------------------	-----

GENERAL INDEX	199
-------------------------	-----

TABLE OF CASES.

	PAGE
ADAM, <i>In re</i> , 1 Moo. P. C. C. 460	10, 14, 18
Advocate-General of Bengal v. Ranee Surnomoye Dossee, 2 Moo. P. C. C., N. S., 22	4
Ames, <i>In re</i> , 3 Moo. P. C. C. 409	72
Anon, 2 P. Will, 75	3, 4, 6, 15
Antigua, <i>In re</i> Justices of Common Pleas at, 1 Knapp, 267	67
Astley v. Fisher, 6 C. B. 572	5, 19
Attorney-General v. Stewart, 2 Mer. 143	6, 15
Australasia, Bank of, v. Breillat, 6 Moo. P. C. C. 152	74
— — v. Harris, 15 Moo. P. C. C. 97	75
— — v. Nias, 16 Q. B. 717, 20 L. J. Q. B. 284	56, 83
BARNETT, <i>In re</i> , 4 Moo. P. C. C. 453	79
— v. Blake, 2 Drewr. & Sm. 117	26, 80
Barton v. Field, 4 Moo. P. C. C. 273	67
Beaumont v. Barrett, 1 Moo. P. C. C. 59	15, 49
Bengal, Advocate-General of, v. Ranee Surnomoye Dossee, 2 Moo. P. C. C., N. S., 22	4
Blankard v. Galdy, 2 Salk. 411	3, 10
Brown, <i>In re</i> , 33 L. J. Q. B. 193	1, 51
Bryan v. Arthur, 11 A. & E. 108	32
Bunny v. Judges of New Zealand, 15 Moo. P. C. C. 164	68, 75
Bute, Marchioness of, v. Mason, 7 Moo. P. C. C. 1	75
CAMERON v. Kyte, 3 Knapp, 332	15, 27, 29
Campbell v. Hall, 20 St. Tr. 239	6, 7, 10, 15, 20, 32
Casanova v. Reg., 3 Moo. P. C. C., N. S., 484	81
Chapman v. the Oriental Bank Corporation, 2 Moo. P. C. C., N. S., 463	10
Citizens, &c., Co. v. Parsons, L. R. 7 App. 96; 51 L. J. P. C. 11	88
Clark v. Mullick, 3 Moo. P. C. C. 252	7
Cloete v. Reg., 8 Moo. P. C. C. 484	30, 67
Colonial Bank v. Warden, 5 Moo. P. C. C. 340	6
Courtaux v. Hewetson, L. R. 6 P. C. 407; 44 L. J. P. C. 86	10
Cushing v. Dupuy, L. R. 5 App. 409; 49 L. J. P. C. 63	73, 88
Cuvillier v. Aylwin, 2 Knapp, 72	73

	PAGE
DAWES <i>v.</i> Painter, Freem. 175	6, 14
Denyassen <i>v.</i> Mostert, L. R. 4 P. C. 236; 8 Moo. P. C. C., N. S., 502; 41 L. J. P. C. 41	10
D'Epinay <i>v.</i> Cockerell, 1 Moo. P. C. C. 103	10
Dill <i>v.</i> Murphy, 1 Moo. P. C. C., N. S., 487	52, 54
Direct United States Cable Co. <i>v.</i> Anglo-American Telegraph Co., L. R. 2 App. 394; 46 L. J. P. C. 71	88
Dobie <i>v.</i> Temporalities Board, L. R. 7 App. 136; 51 L. J. P. C. 26	88
Dow <i>v.</i> Black, L. R. 6 P. C. 272; 44 L. J. P. C. 52	88
Downie & Arrindell, <i>In re</i> , 3 Moo. P. C. C. 414	68
Doyle <i>v.</i> Falconer, L. R. 1 P. C. 328; 4 Moo. P. C. C., N. S., 203; 36 L. J. P. C. 33	52
Du Boulay <i>v.</i> Du Boulay, L. R. 2 P. C. 430; 6 Moo. P. C. C., N. S., 31; 38 L. J. P. C. 35	10
ELLIS <i>v.</i> M'Henry, L. R. 6 C. P. 228; 40 L. J. C. P. 109	7, 14
Emerson <i>v.</i> Judges of Supreme Court of Newfoundland, 8 Moo. P. C. C. 157	69
FABRIGAS <i>v.</i> Mostyn, 20 St. Tr. 81	14, 31, 33
Falkland Islands Co. <i>v.</i> Reg., 1 Moo. P. C. C., N. S., 299	72
— — — 2 Moo. P. C. C., N. S., 266	4, 6
Falle <i>v.</i> Le Sueur, 12 Moo. P. C. C. 501	79
Fenton <i>v.</i> Hampton, 11 Moo. P. C. C. 347	50
Flint <i>v.</i> Walker, 5 Moo. P. C. C. 179	74
Foltina, The, 1 Dods. 450	22
Forbes <i>v.</i> Cochrane, 2 B. & C. 448	3
Freeman <i>v.</i> Fairlie, 1 Moo. Ind. App. 324	6, 18
GAHAN <i>v.</i> Lafitte, 3 Moo. P. C. C. 382	30
Glynn <i>v.</i> Houston, 2 M. & G. 337	32
Goss's Estate, <i>In re</i> , 12 Jur. N. S. 595	81
Grenada, Attorney-General of, <i>v.</i> Stewart, 2 Mer. 143	6, 15
— Representatives of, <i>v.</i> Sanderson, 6 Moo. P. C. C. 38	66
HARRISON <i>v.</i> Scott, 5 Moo. P. C. C. 357	79
Her Majesty's Procureur-General <i>v.</i> Bruneau, L. R. 1 P. C. 169; 4 Moo. P. C. C., N. S., 1; 35 L. J. P. C. 56	10
Hill <i>v.</i> Bigge, 3 Moo. P. C. C. 465	30, 32, 33
Hitchins <i>v.</i> Hollingsworth, 7 Moo. P. C. C. 228	79
Hughes <i>v.</i> Porral, 4 Moo. P. C. C. 41	71
Hutchinson <i>v.</i> Gillespie, 2 Moo. P. C. C. 243	79
JAMAICA, Attorney-General of, <i>v.</i> Manderson, 6 Moo. P. C. C. 239	79
Jephson <i>v.</i> Riera, 3 Knapp, 130	17

TABLE OF CASES.

xiii

	PAGE
KIELLEY v. Carson, 4 Moo. P. C. C. 63	6, 49, 51
LAGESSE v. Lagesse, L. R. 4 P. C. 553; 9 Moo. P. C. C., N. S., 399; 42 L. J. P. C. 37, <i>nom.</i> Lagesse v. Allard	10
Lautour v. Teesdale, 8 Taunt. 830	7
Lindsay v. Oriental Bank Corporation, 13 Moo. P. C. C. 401	10, 19
Logan v. Burslem, 4 Moo. P. C. C. 284	79
Long v. Bishop of Cape Town, 1 Moo. P. C. C., N. S., 411	16
Lord v. Colvin, 29 L. J. Ch. 297	82
Low v. Routledge, L. R. 1 Ch. App. 42, 3 H. L. 100	12, 21, 80
Luby v. Lord Wodehouse, 17 Ir. C. L. R. 618	33
Lyons, Mayor of, v. East India Co., 1 Moo. P. C. C. 175	3, 6, 7
McDERMOTT v. Judges of British Guiana, L. R. 2 P. C. 341; 5 Moo. P. C. C., N. S., 466; 38 L. J. P. C. 1	11, 68
Macdonald v. Lambe, L. R. 1 P. C. 539; 4 Moo. P. C. C., N. S., 486; 36 L. J. P. C. 70	87
Manning, <i>In re</i> Assignees of, 3 Moo. P. C. C. 154	67
Marois, <i>In re</i> , 15 Moo. P. C. C. 189	78
Migneault v. Mulo, L. R. 4 P. C. 123; 8 Moo. P. C. C., N. S., 347; 41 L. J. P. C. 11	87
Monckton, <i>In re</i> , 1 Moo. P. C. C. 455	69
Montagu v. Lieutenant-Governor of Van Diemen's Land, 6 Moo. P. C. C. 489	41
Montréal, L'Union de S. Jacques de, v. Bélisle, L. R. 6 P. C. 31	57, 83, 88
Muhr, <i>In re</i> , 3 Moo. P. C. C. 150	67
Musgrave v. Pulido, L. R. 5 App. 102; 49 L. J. P. C. 20	24, 29, 34
NATAL, Bishop of, <i>In re</i> , 3 Moo. P. C. C., N. S., 115	7, 16, 44, 72
— — v. Gladstone, L. R. 3 Eq. 1	16
Nye v. Macdonald, L. R. 3 P. C. 331; 7 Moo. P. C. C., N. S., 134; 39 L. J. P. C. 34	10
PENINSULAR and Oriental Steam Navigation Co. v. Shand, 3 Moo. P. C. C., N. S., 272	10
Phillips v. Eyre, L. R. 4 Q. B. 225; <i>ibid.</i> 6 Q. B. 1	27, 35, 36, 55
Pictou, General, Case of, 30 St. Tr. 225	38
Pollard, <i>In re</i> , L. R. 2 P. C. 106; 5 Moo. P. C. C., N. S., 111	70, 79
RAINY v. Justices of Sierra Leone, 8 Moo. P. C. C. 47	68
Ramsay, <i>In re</i> , L. R. 3 P. C. 427; 7 Moo. P. C. C., N. S., 263	70, 71
Reg. v. Bertrand, L. R. 1 P. C. 520; 4 Moo. P. C. C., N. S., 460	73
— v. Clarke, 7 Moo. P. C. C. 77	30
— v. Coote, L. R. 4 P. C. 599; 9 Moo. P. C. C., N. S., 463; 42 L. J. P. C. 45	10

	PAGE
Reg. v. Eyre, L. R. 3 Q. B. 487	39
— v. Hughes, L. R. 1 P. C. 81; 3 Moo. P. C. C., N. S., 439; 35 L. J. P. C. 23	30
— v. Murphy, L. R. 2 P. C. 35, 535; 5 Moo. P. C. C., N. S., 47; 6 Moo. P. C. C., N. S., 177; 37 L. J. P. C. 21; 38 L. J. P. C. 53	73
Rex v. Shawe, 5 M. & S. 403	37
— v. Vaughan, 4 Burr. 2494	4, 6, 10
Richards v. Attorney-General of Jamaica, 6 Moo. P. C. C. 381	85
Robertson, <i>Ex parte</i> , 11 Moo. P. C. C. 288	42
Rochecouste v. Dupont, 2 Moo. P. C. C., N. S., 195	10
Ruding v. Smith, 2 Hagg. Consist. Rep. 382	10, 11, 12
S. JACQUES DE MONTRÉAL, L'Union de, v. Bélisle, L. R. 6 P. C. 31	57, 83, 88
Sérandat v. Saisse, L. R. 1 P. C. 152; 3 Moo. P. C. C., N. S., 534; 35 L. J. P. C. 15	10
Siemens v. Heirs of Bufe, 11 Moo. P. C. C. 62	74
Sierra Leone, seizure of slaves at, <i>In re</i> , Br. & Lush. 148; 32 L. J. Adm. 189	30
Smith v. Brown, 2 Salk. 666	15
Smith v. Justices of Sierra Leone, 3 Moo. P. C. C. 361	68
— — — 7 Moo. P. C. C. 174	69
Speaker of the Legislative Assembly of Victoria, The, v. Glass, L. R. 3 P. C. 560; 7 Moo. P. C. C., N. S., 449; 40 L. J. P. C. 17	53, 91
TANDY v. the Earl of Westmoreland, 27 St. Tr. 1246	33
UNION de S. Jacques de Montréal, L' v. Bélisle, L. R. 6 P. C. 31	57, 83, 88
VALIN v. Langlois, L. R. 5 App. 115; 49 L. J. P. C. 37	88
Vincent v. Godson, 4 De G. M. & G. 546; 24 L. J., N. S., Ch. 121	19
WALL, Governor, Case of, 28 St. Tr. 51	37
Wallace, <i>In re</i> , L. R. 1 P. C. 283; 4 Moo. P. C. C., N. S., 140; 36 L. J. P. C. 9 (<i>nom.</i> Wallace v. Judges of Nova Scotia)	69
Western Counties Railway Co. v. Windsor, &c., Railway Co., L. R. 7 App. 178; 51 L. J. P. C. 43	88
Whicker v. Hume, 7 H. L. 124	6
Willis v. Sir George Gipps, 5 Moo. P. C. C. 379	41, 77
YEAP Cheah Neo v. Ong Cheng Neo, L. R. 6 P. C. 381	6

TABLE OF STATUTES.

	PAGE		PAGE
33 H. 8, c. 23	38	15 & 16 Vict. c. 72	5
29 Car. 2, c. 3 (Statute of Frauds)	6	18 & 19 Vict. c. 55	52
11 & 12 W. 3, c. 12.	37, 39	— c. 104	1
9 Geo. 2, c. 36 (Mortmain Act)	6	20 & 21 Vict. c. 77	74
22 Geo. 3, c. 75	41, 59	23 & 24 Vict. c. 88	2
42 Geo. 3, c. 85	37, 38, 39	— c. 121	9
53 Geo. 3, c. 155, s. 95	22	24 & 25 Vict. c. 31	7
5 Geo. 4, c. 113	85	26 & 27 Vict. c. 35	8
6 Geo. 4, c. 16	7	— c. 84	24, 43, 55
9 Geo. 4, c. 31.	38	28 & 29 Vict. c. 63	1, 43, 55
— c. 74	38	— c. 113	1
— c. 83, s. 24	4	— c. 116	2
11 Geo. 4 and 1 W. 4, c. 4	25	30 & 31 Vict. c. 3 (British North America Act)	57
2 & 3 W. 4, c. 114	7	31 Vict. c. 29	2
3 & 4 W. 4 c. 41	73, 74, 76, 78	31 & 32 Vict. c. 37	1, 2
— c. 73	21, 85	32 Vict. c. 10	1
1 & 2 Vict. c. 9	21	32 & 33 Vict. c. 11	43
2 & 3 Vict. c. 53.	21	34 Vict. c. 8	8
4 & 5 Vict. c. 45	21	36 & 37 Vict. c. 59	85
6 & 7 Vict. c. 7	26	— c. 88	85
— c. 13	9	37 & 38 Vict. c. 27	2
— c. 98.	85	— c. 35	74
7 & 8 Vict. c. 69	75, 76	38 & 39 Vict. c. 66, sched.	2
11 & 12 Vict. c. 42	40	39 & 40 Vict. c. 59	74
12 & 13 Vict. c. 96	1, 24	42 & 43 Vict. c. 38	85
14 & 15 Vict. c. 83	74	44 Vict. c. 3	74
— c. 99	2, 58		



CHAPTERS

ON THE

LAW RELATING TO THE COLONIES.

INTRODUCTORY.

DEFINITION OF A COLONY.

THE British Colonies or Plantations are remote possessions of this realm, occupied for the purposes of trade or cultivation.¹

INTRODUCTORY.
Definition of a colony.

The term "colony" is defined in several Acts of Parliament which have been passed for various purposes connected with the colonies,² but in each only for the purposes of the particular Act.

No general definition appears to have been enacted in any statute. But it may be laid down, following the statutes referred to above, that the word in its usual sense includes all Her Majesty's possessions abroad except the Isle of Man,³ the Channel Islands, and India.

¹ Clark's Colonial Law, 1.

² *E.g.* 12 & 13 Vict. c. 96; 18 & 19 Vict. c. 104; 28 & 29 Vict. c. 63; 28 & 29 Vict. c. 113; 31 & 32 Vict. c. 37; 32 Vict. c. 10.

³ As to the Isle of Man not being a foreign dominion of the Crown, see *In re Brown*, 33 L. J. Q. B. 193.

INTRODUCTORY.—

Definition of a colony. In the Act, however, to explain the Foreign Jurisdiction Act¹ British Colonies include any of Her Majesty's possessions out of the United Kingdom. And in the Act to regulate sentences imposed by Colonial Courts where jurisdiction to try is conferred by Imperial Acts,² the term "colony" is expressly interpreted to include India, but not the Isle of Man or the Channel Islands.³

¹ 28 & 29 Vict. c. 116.

² 37 & 38 Vict. c. 27.

³ See also 14 & 15 Vict. c. 99, s. 19, compared with 38 & 39 Vict. c. 66, sched. ; 23 & 24 Vict. c. 88 ; 31 Vict. c. 29 ; and 31 & 32 Vict. c. 37.

CHAPTER I.

THE LAWS TO WHICH THE COLONIES ARE SUBJECT.

COLONIES are formed either by settlement of an CHAP. I.
unoccupied or barbarous country, or by conquest or
cession from other nations. These different modes
of acquisition give rise to corresponding differences
in the laws to which a colony becomes subject on
its foundation.

Section 1.

“If there be a new and uninhabited country Sect. 1.
Occupied
colonies
found out by English subjects, as the law is the
birthright of English subjects, so wherever they go
they carry their laws with them; and therefore
such new-found country is to be governed by the
laws of England.”¹

This proposition applies also to settlements made
by Englishmen in barbarous countries, where they
carry with them not only their laws, but the
sovereignty of their own State; and those who live
amongst them, and become members of their com-

¹ 2 P. Will. 75; *Blankard v. Galdy*, 2 Salk. 411; *May. of Lyons v. E. I. Co.*, 1 Moo. P. C. C. p. 272; *Forbes v. Cochrane*, 2 B. & C. p. 463.

CHAP. I.
Sect. 1.
Occupied
colonies.

munity, become also partakers of and subject to the same laws.¹

The principle here enunciated is intelligible, convenient, and just, so far as the common law is concerned; and the doctrine is so limited in its expression in some authorities.² But inasmuch as English statute law is constantly being added to and altered by fresh enactments, it becomes necessary to consider how far the doctrine is to be understood to extend to that division of the law. Lord Mansfield lays down the rule as follows: ³—

“No Act of Parliament made after a colony is planted is construed to extend to it without express words showing the intention of the legislature to be that it should.”⁴

In some colonial Ordinances and Acts express provision is made as to the time at which the English law to be enforced in the colonies is to be ascertained. Thus in Hong Kong the 5th of April, 1843, is fixed by Ordinance 12 of 1873; in the Falkland Islands the 1st of January, 1850, by Ordinance 2 of 1876; in Fiji the 2nd of January, 1875, by Ordinance 14 of 1875. In New South Wales and Van Diemen's Land by 9 Geo. 4, c. 83, s. 24, the Laws and Statutes of England at the time of the passing of the Act (1828) are to

¹ *Advocate-General of Bengal v. Ranee Surnomoye Dossee*, 2 Moo. P. C. C., N. S., p. 59.

² *Com. Dig. Ley (C.), Falkland Islands v. The Queen*, 2 Moo. P. C. C. N. S., p. 273.

³ *R. v. Vaughan*, 4 Burr. p. 2500.

⁴ *Cp. 2 P. Will.* 75.

prevail.¹ In Upper Canada the laws of England in force on the 15th October, 1792, are to be the rule as to property and civil rights by the Consolidated Statutes of 1859. On the Gold Coast by Ordinance No. 4 of 1876 English law in force on the 24th of January, 1874, is to be observed so far as the limits of local jurisdiction and circumstances permit ; but native laws are to be respected as far as possible. And in the Act to grant a Representative Constitution to New Zealand² it is provided³ (re-enacting s. 10 of 9 & 10 Vict. c. 103), that “whereas it may be expedient that the laws, customs, and usages of the aboriginal or native inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, and usages should be so observed : it shall be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to make provision for the purposes aforesaid, any repugnancy of any such native laws, customs, or usages to the law of England, or to any law, statute, or usage in force in New Zealand or in any part thereof, in anywise notwithstanding.”

CHAP. I.

Sect. 1.

Occupied colonies.

¹ See *Astley v. Fisher*, 6 C. B. 572, as to the meaning of this enactment.

² 15 & 16 Vict. c. 72.

³ s. 71.

CHAP. I.

Sect. 1.
Occupied
colonies.

English colonists carry with them only so much of the English law as is applicable to their own situation and the condition of an infant colony.¹ In inquiring, therefore, if any one of our municipal laws has been introduced into a particular territory acquired by the Crown (by conquest, cession, or settlement), the question may arise whether the law originated out of a purely local policy or not,—was it adapted solely to the mother country in which it was made ?²

The following statutes have been held not to apply to the places named :—

The Mortmain Act, Grenada (a conquered colony), *A.-G. v. Stewart*, 2 Mer. 143 ; New South Wales (a settled colony), *Whicker v. Hume*, 7 H. L. 124, where the principle of the exclusion of the Mortmain Act was declared applicable to all colonies.

Positive Regulations of Police, Jamaica, *R. v. Vaughan*, 4 Burr. 2500.

Statute of Frauds as to devises, Barbadoes, 2 P. Will. 75.

Penal Statutes, Barbadoes, *Dawes v. Painter*, Freeman, 175.

¹ 1 Blackst. by Harg. 107 ; *Kielley v. Carson*, 4 Moo. P. C. C. p. 84 ; *Campbell v. Hall*, 20 St. Tr. col. 289 ; *Freeman v. Fairlie*, 1 Moo. Ind. App. p. 323 ; *Falkland Islands v. The Queen*, 2 Moo. P. C. C., N. S., 266 ; *Colonial Bank v. Warden*, 5 Moo. P. C. C. 340. And so declared in Fiji by Ordinance 14 of 1875.

² *A.-G. v. Stewart*, 2 Mer. pp. 159–161 ; *May. of Lyons v. E. India Co.*, 1 Moo. P. C. C. 175 ; *Yeap Cheah Neo. v. Ong Cheng Neo.*, L. R. 6 P. C. 381.

The Alien Acts, India, *Mayor of Lyons v. East India Co.*, 1 Moo. P. C. C. 175. CHAP. I.
Sect. 1.

The Marriage Acts, India, *Lautour v. Teesdale*, 8 Taunt. 830. Occupied colonies.

The Bankrupt Acts, 6 Geo. 4, c. 16, and 2 & 3 W. 4, c. 114, India, *Clark v. Mullick*, 3 Moo. P. C. C. 252.¹

Statute of Charitable Uses, Nevis, *Campbell v. Hall*, 20 State Tr. col. 289.

As no ecclesiastical law is required in a colony where there is no established church, the ecclesiastical law of England cannot be treated as part of the law which settlers carry with them from the mother country.²

In certain cases Acts of Parliament have been passed to give territorial extension to the operation of English law. The Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone³ recites that the inhabitants of territories adjacent to Sierra Leone extending to the Rio Grande to the North of the colony, to the Rio Gallinas to the South of the colony, and for four hundred miles to the East of the colony, were in an uncivilized state, and that offences against their persons and property were frequently committed by

¹ But see *Ellis v. M^rHenry*, L. R. 6 C. P. 228.

² *In re Lord Bishop of Natal*, 3 Moo. P. C. C., N. S., 115.

³ 24 & 25 Vict. c. 31.

CHAP. I. Her Majesty's subjects with impunity. It then
Sect. 1. enacts¹ that the laws in force at Sierra Leone for
 Occupied the punishment of crimes committed there should
 colonies. be extended to Her Majesty's subjects within any of
 the territories defined in the preamble; and power
 is given² to the Governors of the colony to appoint
 magistrates from among the persons residing in the
 territories in question.

Similar provision for the prevention and punishment of offences by British subjects in territories in S. Africa not within the jurisdiction of any civilized government was made by 26 & 27 Vict. c. 35.

The 34 Vict. c. 8, on the other hand, recites that the inhabitants of certain territories in Africa adjoining Her Majesty's settlements of Sierra Leone, Gambia, Gold Coast, Lagos, and the adjacent protectorates were not within any civilized jurisdiction; and that crimes had been, and were likely to be, committed within such territories against British subjects and persons resident within the said settlements. It therefore enacts³ that crimes or offences committed within twenty miles of the settlements or protectorates by Her Majesty's subjects or by persons not subjects of any civilized power against the persons of British subjects or of residents within the settlements should be tried and punished as if committed within the settlements.

The following Acts provide for cases where British subjects are settled in barbarous or desolate countries

¹ s. 1.² s. 2.³ s. 1.

without having established any legal form of government, or received any constitution from the sovereign.

CHAP. I.

Sect. 1.

Occupied
colonies.

The Act to enable Her Majesty to provide for the government of her settlements on the coast of Africa and in the Falkland Islands¹ sets out that divers of Her Majesty's subjects have resorted to and taken up their abode at divers places on or adjacent to the coast of the continent of Africa and on the Falkland Islands, and that it is necessary for Her Majesty to make better provision for the civil government of the said settlements; and thereupon² empowers Her Majesty in Council to make laws, and constitute courts, for the government of Her Majesty's subjects and others within the present or future settlements. By s. 2 she may delegate to any three or more persons within any of the settlements the power and authorities so vested in her.

The 23 & 24 Vict. c. 121, after reciting the Act just mentioned, and that divers of Her Majesty's subjects had occupied or might thereafter occupy other places, being possessions of Her Majesty, but in which no government had been established, proceeds³ to extend the provision made for the government of settlements made by Her Majesty's subjects on the coast of Africa and in the Falkland Islands to all possessions of Her Majesty not having been acquired by cession or conquest, nor being within the jurisdiction of the legislative authority of any of Her Majesty's possessions abroad. Authority

¹ 6 & 7 Vict. c. 13.

² s. 1.

³ s. 1.

CHAP. I. is also given¹ to Her Majesty to empower the
Sect. 1. principal Courts in any of her possessions to take
 Occupied cognizance of civil and criminal proceedings in respect
 colonies. of matters occurring within any of the possessions
 to which the Act or the recited Act should extend.

Section 2.

Sect. 2. In conquered countries the laws remain until they
 Conquered are altered by the conqueror.² Thus in Lower
 and ceded Canada (Quebec) the Old French Law prevails in
 colonies. civil matters;³ but the criminal law is that
 in force in England in 1763.⁴ In S. Lucia a
 code of civil law based upon the principles of the
 ancient law of the island⁵ came into force in
 October, 1879. In the Mauritius the French Code
 Civil and the Code de Commerce prevail.⁶ In
 Ceylon,⁷ the Cape of Good Hope,⁸ Natal, and in

¹ s. 2.

² *Campbell v. Hall*, 20 State Tr. col. 323; *Blankard v. Galdy*, 2 Salk. 411; *R. v. Vaughan*, 4 Burr. p. 2500; *Ruding v. Smith*, 2 Hagg. Consist. Rep. p. 382.

³ *Nye v. Macdonald*, L. R. 3 P. C. 331.

⁴ *Reg. v. Coote*, L. R. 4 P. C. 599.

⁵ *The Coutume de Paris, Du Boulay v. Du Boulay*, L. R. 2 P. C. 430.

⁶ *D'Epinay v. Cockerell*, 1 Moo. P. C. C. 103; *In re Adam*, 1 Moo. P. C. C. 460; *Rochecouste v. Dupont*, 2 Moo. P. C. C., N. S., 195; *Chapman v. Oriental Bank Corporation*, 2 Moo. P. C. C., N. S., 463; *Peninsular and Oriental S. N. Co. v. Shand*, 3 Moo. P. C. C., N. S., 272; *Sérendat v. Saïsse*, 3 Moo. P. C. C., N. S., 534; *H. M. Procureur-Général v. Bruneau*, L. R. 1 P. C. 169; *Lagesse v. Lagesse*, L. R. 4 P. C. 553; *Courtaux v. Hewetson*, L. R. 6 P. C. 407.

⁷ *Lindsay v. Oriental Bank Corporation*, 13 Moo. P. C. C. 401.

⁸ *Denysen v. Mostert*, L. R. 4 P. C. 236.

the civil courts of British Guiana,¹ the Roman-Dutch law prevails.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

This doctrine was discussed at considerable length by Lord Stowell in *Ruding v. Smith*.² That learned judge pointed out that "even with respect to the ancient inhabitants no small portion of the ancient law is unavoidably superseded by the revolution of government that has taken place. The allegiance of the subjects, and all the law that relates to it—the administration of the law in the sovereign, and appellate jurisdictions, and all the laws connected with the exercise of the sovereign authority—must undergo alterations adapted to the change."³

"Though the old laws are to remain, it is surely a sufficient application of such terms 'that they shall remain in force,' if they continue to govern (as far as they do continue) the transactions of the ancient settlers with each other, and with the new owners. To allow 'that they shall intrude into all the separate transactions of the British conquerors is to give them a validity which they would otherwise want in all cases whatever.'"⁴

This would appear to be stated too broadly. The word "remain" may be understood with reference not only to the old inhabitants, but to the country in which the laws have had sway. At the present day it is the territorial rather than the personal application of laws that is the rule in countries of

¹ *McDermott v. Judges of British Guiana*, L. R. 2 P. C. 34.

² 2 Hagg. Consist. Rep. 371.

³ P. 382.

⁴ 2 Hagg. Consist. Rep. 383.

CHAP. I.
Sect. 2.
Conquered
and ceded
colonies.

the European type. The "extra-territoriality" clauses in treaties with Eastern powers, such as China or Japan, whereby Europeans resident in those countries are exempted from the jurisdiction of native courts and magistrates, reviving to some extent the system of personal laws that obtained in Europe after the break-up of the Roman Empire, are looked upon only as a temporary and inconvenient expedient, and are open to objection as curtailing the sovereign rights of independent states.

Lord Mansfield lays down, in *Campbell v. Hall*,¹ "That the law and legislative government of every dominion equally affects all persons and all property within the limits thereof, and is the rule of decision for all questions which arise there. Whoever purchases, lives, or sues there, puts himself under the law of the place. An Englishman in Ireland, Minorca, the Isle of Man, or the plantations, has no privileges distinct from the natives."²

In *Ruding v. Smith*³ Lord Stowell was examining whether a marriage celebrated at the Cape of Good Hope according to English law, shortly after the surrender of that colony by the Dutch to the

¹ 20 St. Tr. col. 323.

² "Every alien coming into a British colony becomes temporarily a subject of the Crown,—bound by, subject to, and entitled to the benefit of, the laws which affect all British subjects. He has obligations and rights both within and beyond the colony into which he comes. As to his rights within the colony he may well be bound by its laws; but as to his rights beyond the colony he cannot be affected by those laws, for the laws of a colony cannot extend beyond its territorial limits." *Low v. Routledge*, L. R. 1 Ch. App. p. 47.

³ 2 Hagg. Consist. Rep. 371.

English, was invalid as not conformable to the Dutch law, the *lex loci*. The colony was surrendered to the British forces in 1795. Mr. Ruding; a British subject, came there in September, 1796, on his way to serve with his regiment in the East Indies; and was married to an Englishwoman in October, 1796, by the chaplain of the British garrison, in a private house, under a licence from the commander-in-chief of the British forces there. Lord Stowell decided that the marriage was valid, "on the distinct British character of the parties—on their independence of the Dutch law in their own British transactions—on the insuperable difficulties of obtaining any marriage conformable to the Dutch law—on the countenance given by British authorities and British ministration to this British transaction—upon the whole country being under British dominion—and upon the other grounds to which I have adverted."¹ The principle of the decision is embodied in the following proposition by Mr. Westlake in his *Private International Law*²: "Where a marriage valid according to the *lex loci actus* is impossible from the want of any such law applicable to the case, parties may marry with the forms, so far as it is possible to observe them, and with the consents, respectively required by their own law." Mr. Westlake adds that in *Ruding v. Smith* "the impossibility arose from the Dutch law at the

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.¹ 2 Hagg. Consist. Rep. p. 394² P. 57.

CHAP. I. Cape of Good Hope not applying to British
 Sect. 2. persons passing through the place so soon after the
 Conquered and ceded conquest that its future legal system was not
 colonies. settled."

Statutes manifestly of universal policy, and intended to affect all our transmarine possessions at whatever period they shall be acquired,—*e.g.*, navigation laws, and Acts for abolishing slavery and the slave trade—come into force independently of posterior legislation immediately on conquest or cession.¹ So also the English bankruptcy law has been held binding in the colonies.²

The *status* of persons domiciled in a colony is determined by English law ; the rights and liabilities incidental to such *status* by colonial law.³

Laws contrary to the fundamental principles of the British constitution cease at the moment of conquest.⁴ Accordingly torture cannot be inflicted by English authority in a conquered colony. "The torture, as well as banishment, was the old law of Minorca, which fell of course when it came into our possession. Every English governor knew he could not inflict the torture ; the constitution of this country put an end to that idea." ⁵

¹ Clark's Colonial Law, 15, 16 ; *Dawes v. Painter*, Freem. 175.

² *Ellis v. M'Henry*, L. R. 6 C. P. 228.

³ *In re Adam*, 1 Moo. P. C. C. 460.

⁴ Cp. Lord Ellenborough, 30 St. Tr. col. 742.

⁵ *Fabrigas v. Mostyn*, 20 St. Tr. col. 181. As to Chinese slavery in Hong Kong, *vide* Blue Book, [C. 3185], of 1882.

The power of the sovereign to make new laws for a conquered country has often been asserted by the Courts. "Where the King of England conquers a country, it is a different consideration; for then the conqueror, by saving the lives of the people conquered, gains a right and property in such people; in consequence of which he may impose upon them what laws he pleases."¹ In *Smith v. Brown*² Lord Holt said that the laws of England did not extend to Virginia; being a conquered country, their law was what the king pleased. So in *Beaumont v. Barrett*³ it was laid down that Jamaica was a conquered island, and, as in other territory obtained by conquest, such laws were in force there as the king by his supreme authority might choose to direct. The king has "the whole legislative power in a conquered colony, in so far as he may not have parted with it by capitulation or by his own voluntary grant."⁴

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

But where the sovereign has once granted legislative powers to a colony, he cannot afterwards himself exercise those powers in reference to local matters. This was decided in the celebrated case of *Campbell v. Hall*,⁵ an action brought to recover a sum of money paid to the collector of His Majesty George the Third, as a duty of $4\frac{1}{2}$ per cent. on certain exports from the island of Grenada. The Court

¹ 2 P. Will. 75; cp. *A.-G. v. Stewart*, 3 Mer. p. 157.

² 2 Salk. 666.

³ 1 Moo. P. C. C. p. 75.

⁴ *Cameron v. Kyte*, 3 Knapp, 346.

⁵ 20 St. Tr. 239.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

gave judgment for the plaintiff on the ground that, previously to issuing the Letters Patent imposing the duty, the king had empowered the governor to summon a legislative assembly for the island, and had thereby precluded himself from afterwards exercising legislative authority by virtue of his prerogative.

The same principle was acted on in *In re Bishop of Natal*.¹ There the Queen, as sovereign and head of the Established Church, had created by Letters Patent a Metropolitan, with episcopal jurisdiction in the colony of the Cape of Good Hope, which colony had at the time a Legislative Council and House of Assembly. By the Letters Patent the Metropolitan was to exercise metropolitan jurisdiction over the Bishop of Natal, with power to visit, correct, and supply the defects of the said bishop. By other Letters Patent a Bishop of Natal was created, to be subject and subordinate to the See of Cape Town in the same manner as a bishop of any See within the Province of Canterbury was under the authority of the archbishop thereof; with an appeal to the archbishop. The District of Natal had previously been granted by Letters Patent from the Crown a Legislative Council partly elective. These Letters Patent were not made in

¹ 3 Moo. P. C. C., N. S., 115, following *Long v. Bishop of Cape Town*, 1 Moo. P. C. C., N. S., 411. As to the effect of the judgments in these two cases on the Church of England in the colonies, and the status of colonial bishops, see *Bishop of Natal v. Gladstone*, L. R. 3 Eq. 1.

pursuance of any Order in Council, or Imperial Statute, nor confirmed by any Act of the Legislature of the Cape of Good Hope, or of the Legislative Council of Natal. The Metropolitan having sentenced the Bishop of Natal to deposition from his office, the sentence was, on appeal to the Judicial Committee, held to be void. They apprehended it to be clear on principle that, after the establishment of an independent legislature in the settlements of the Cape of Good Hope and Natal, there was no power in the Crown by virtue of its prerogative to establish a metropolitan see or province, or to create an ecclesiastical corporation whose *status*, rights, and authority the colony could be required to recognise.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

After a colony or settlement has received legislative institutions, the Crown (subject to the special provisions of any Act of Parliament) stands in the same relation to that colony or settlement as it does to the United Kingdom.¹

The power of the Crown to make law may be exercised not only by Order in Council, but by charter of justice under the Great Seal.²

But the king can make no laws which are contrary to fundamental principles, none exempting from the laws of trade, or the authority of Parliament, or giving privileges exclusive of his other subjects.³

¹ 3 Moo. P. C. C., N. S., p. 148.

² *Jephson v. Riera*, 3 Knapp, 130.

³ 20 St. Tr. col. 323.

CHAP. I.

Sect. 2.
Conquered
and ceded
colonies.

In ceded colonies the sovereign's legislative power is the same as in conquered colonies, except that if the treaty of cession regulate the right of legislation, the terms ought to be obeyed. Thus the Mauritius, before its surrender to Great Britain in 1810, was a French colony; and having been surrendered on the condition that the inhabitants should preserve their religion, laws, and customs, the law of France as established in the colony before that event must be looked to.¹

As to the distinction in general between colonies by settlement and colonies by conquest or cession, the following observations were made by the Master in his report in the case of *Freeman v. Fairlie* ²: "I apprehend the true general distinction to be in effect between countries in which there are not, and countries in which there are, at the time of their acquisition any existing civil institutions and laws; it being in the first of those cases matter of necessity that the British settlers should use their native laws, as having no others to resort to; whereas in the other case there is an established *lex loci* which it might be highly inconvenient all at once to abrogate, and therefore it remains till changed by the deliberative wisdom of the new legislative power. In the former case also there are not, but in the latter case there are, new subjects to be governed, ignorant of the English laws, and unprepared perhaps in civil and

¹ *In re Adam*, 1 Moo. P. C. C. p. 470.

² 1 Moo. Ind. App. 324.

political character to receive them. The reason why the rules are laid down in books of authority with reference to the distinction between new-discovered countries on the one hand, and ceded or conquered countries on the other, may be found, I conceive, in the fact that this distinction had always, or almost always, practically corresponded with that between the absence and the existence of a *lex loci*, by which the British settlers might, without inconvenience, for a time be governed; for the powers from whom we had wrested colonies by conquest, or had obtained them by treaties of cession, had ordinarily, if not always, been civilized and Christian states, whose institutions therefore were not wholly dissimilar to our own."

CHAP. I.
Sect. 2.
Conquered
and ceded
colonies.

Apparently the law of a colony upon any particular point must be proved as a matter of fact in the Courts at Westminster.¹

In the case of land in a particular district of a colony into which the system prevailing generally in the colony has never been introduced, English law will be applied.²

It is a settled constitutional principle that, although the Crown may by its prerogative establish courts to

¹ *Astley v. Fisher*, 6 C. B. 572.

² *Lindsay v. Oriental Bank Corporation*, 13 Moo. P. C. C. 401. The right to treat rent as a specialty debt is incident to privity of estate—a doctrine connected with the old feudal tenure, and with the ancient right of the landlord to come on the land and oust the tenant—and not to privity of contract. It does not therefore apply to the case of lands out of England: *Vincent v. Godson*, 4 De G. M. & G. 546.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

proceed according to common law, yet it cannot create any new court to administer any new law.¹

Every colony is of course subject to the paramount legislative authority of Parliament.² This is expressly asserted as regards conquered colonies in the first proposition laid down by Lord Mansfield in *Campbell v. Hall*³: "A country conquered by the British arms becomes a dominion of the King in right of his Crown, and therefore necessarily subject to the legislative power of the Parliament of Great Britain." Sir T. Erskine May declares, in broader language, that "the legislative authority of Parliament extends over the United Kingdom and all its colonies and foreign possessions, and there are no other limits to its power of making laws for the whole empire than those which are incident to all sovereign authority—the willingness of the people to obey or their power to resist. . . . For some colonies the Queen in Council legislates, while others have legislatures of their own which propound laws for their internal government, subject to the approval of the Queen in Council; but these may afterwards be repealed or amended by statutes of the Imperial Parliament; for their legislatures and their laws are both subordinate to the supreme power of the mother country."⁴ He instances the

¹ 3 Moo. P. C. C., N. S., p. 152.

² Clark's Colonial Law, 10; 1 Blackst. by Harg., 108.

³ 20 St. Tr. col. 322.

⁴ Parliamentary Practice, 40.

suspension of the Canadian constitution by 1 & 2 Vict. c. 9 and 2 & 3 Vict. c. 53; the abolition of slavery in all British possessions by 3 & 4 Will. 4, c. 73; and other cases. An alien friend, residing in Canada during the publication in England of a work composed by her, was adjudged entitled to copyright under the Imperial Copyright Act, 4 & 5 Vict. c. 45, although she was not so entitled by the Canadian Copyright Act,—the Imperial Act, by ss. 2 and 29, extending to all the colonies, settlements, and possessions of the Crown now and hereafter.¹ The Act to remove doubts as to the validity of colonial laws² enacts (s. 2) that “Any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain void and inoperative.”

British subjects cannot take possession in their own right of a foreign country. “No colony can be settled without authority from the Crown.”³ “A country conquered by the British arms becomes a

¹ *Low v. Routledge*, L. R. 1 Ch. App. 42.

² 28 & 29 Vict. c. 63.

³ *Per* Lord Mansfield, 20 St. Tr. col. 287. See *ante*, p. 8, for the government of settlements where there is no formally constituted authority.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

dominion of the King in right of his Crown, and therefore necessarily subject to the legislative power of the Parliament of Great Britain.”¹

The sway exercised by Sir James Brooke over the territory of Sarawak in the Island of Borneo presents a problem of some interest in connection with this topic. Sir James Brooke, commonly known as Rajah Brooke, was a British subject who in 1842 received from the Sultan of Borneo a grant of the government of Sarawak subject to a tribute. In 1853 the tribute was remitted, and power was given to Rajah Brooke to nominate his successor, who, as well as each following successor, was to pay the Sultan £1,000 on his accession, or on the demise of his predecessor. In 1855 a commission was sent out by the English government to Singapore to inquire into the position of Sir James Brooke in Borneo. On that occasion the exact nature of the relation between him and the Sultan of Borneo could not be elucidated, owing to the document containing the grant from the latter to the former not being brought forward. But one of the Commissioners stated in his report that, in the face of the precedent of the assertion of the sovereignty of the English Crown over the territorial possessions of the East India Company set forth in 53 Geo. 3, c. 155, s. 95,² he should not be inclined to uphold the

¹ *Ibid.* col. 323. And see *The Foltina*, 1 Dods. 450.

² “Provided always and be it further enacted that nothing in this Act contained shall extend or be construed to extend to prejudice or affect the undoubted sovereignty of the Crown of the United King-

opinion that Sir James Brooke or any other British subject could attain to the position of being an independent ruler of a foreign territory.¹ This difficulty prevented the British Government for some years from sending out any official to protect the interests of Englishmen in Sarawak. But at length they yielded to the persistent arguments of Sir James Brooke and his friends; and in January, 1864, a British Consul was appointed to Sarawak,² and obtained his *exequatur* through the instrumentality of Sir James Brooke, the ruler of that territory. In August, 1867, the Consul having resigned the previous year, an unpaid British Vice-Consul was appointed to Sarawak, and obtained his *exequatur* also from the ruling authorities of that settlement. The Vice-Consul resigned in June, 1872, since which time no person has been appointed to the post.

CHAP. I.

Sect. 2.

Conquered
and ceded
colonies.

dom of Great Britain and Ireland in and over the said territorial acquisitions."

¹ Report of Commissioners, 1855, p. 19.

² *London Gazette*, 19 Jan., 1864.

CHAPTER II.

THE EXECUTIVE.

Section 1.—The Governor.

A.—Nature of his Office, Powers, and Duties.

CHAP. II.

Sect. 1.
The Gov-
ernor.
A. Nature
of his
office, &c.

THE authority of the Queen in the colonies is represented by a Governor, Governor-General, or Governor-in-Chief.¹ He is appointed by Her Majesty's Commission, which confers upon him his powers, and with his instructions defines generally his duties. "The Governor of a colony (in ordinary cases) cannot be regarded as a Viceroy ; nor can it be assumed that he possesses general sovereign power. His authority is derived from his commission, and limited to the powers thereby expressly or impliedly entrusted to him."²

The titles Governor-in-Chief and Governor-General are given to governors whose commissions comprise several distinct colonies.³ Such Governments-in-Chief are :—

1. The Dominion of Canada, comprising the

¹ 12 & 13 Vict. c. 96, s. 5 ; 26 & 27 Vict. c. 84, s. 1 ; &c.

² *Musgrave v. Pulido*, L. R. 5 App. p. 111.

³ See Rules and Regulations for H. M. Colonial Service, Colonial Office List.

provinces of Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward's Island, Manitoba, North West Territories, British Columbia, and Vancouver's Island.

CHAP. II.

Sect. 1.
The Governor.A. Nature
of his
office, &c.

2. Jamaica, to which are attached Honduras, and Turk's Islands.

3. The Windward Islands, composed of Barbados, Grenada, St. Vincent, Tobago, St. Lucia.

4. The Leeward Islands, composed of Antigua, St. Christopher's, Dominica, Nevis, the Virgin Islands, and Montserrat.

5. The West African Settlements, composed of Sierra Leone and Gambia.

6. Gold Coast Colony, including the Gold Coast and Lagos.

The Governor-in-Chief administers the government of every colony comprised within his command whenever he is present therein. During his absence the administration is carried on by a Lieutenant-Governor, appointed by the Crown, or an Administrator (in West Africa), or a President of the Council (in the West Indies).

Governors are appointed during Her Majesty's pleasure, but do not usually retain office longer than six years. In the event of a demise of the Crown, their commissions remain in force until the expiration of eighteen months therefrom.¹

The following is a summary² of the most im-

¹ 1 Will. 4, c. 4. See 14 Moo. P. C. C. p. 298.

² See Rules and Regulations, C. O. List.

CHAP. II.

Sect. 1.
The Gov-
ernor.

A. Nature
of his
office, &c.

portant of a Governor's powers and duties, subject to the special law of each colony :—

1. He may pardon or respite criminals, and remit fines, penalties, or forfeitures accruing to the Queen.¹

2. The moneys to be expended for the public service are issued under his warrant.

3. He grants licences for marriages, letters of administration, and probate of wills, unless other provision be made by charter of justice or local law; and in many cases presents to benefices of the Church of England in the colony.

4. He issues writs in the Queen's name for the election of representative assemblies and councils; convokes and prorogues legislative bodies; and dissolves those liable to dissolution.

5. He appoints, absolutely or temporarily and provisionally, to offices in the colony.

6. In colonies possessing responsible government he has, with his Council, the entire power to suspend or dismiss public servants holding during pleasure. In other colonies he can suspend under certain regulations, and has a limited power of dismissal.

7. His assent to bills passed by the local legislature is necessary to their becoming law. But in certain cases—*e.g.*, matters concerning the currency, the army, and navy, differential duties, foreign treaties, the prerogative, or rights of Her

¹ As to pardon of transported convicts, see 6 & 7 Vict. c. 7, s. 2; *Barnett v. Blake*, 2 Drewr. & Sm. 117.

Majesty's subjects, not resident in the colony, he must reserve bills for the Royal assent, or assent to them with a clause suspending their operation till confirmed by the Crown.¹

CHAP. II.

Sect. 1.

The Governor:

A. Nature of his office, &c.

8. He must repel aggression, and endeavour to his utmost to suppress piracy.² Also he must direct his attention to the state of the militia and volunteers in the colony, and report periodically on the subject.

9. He may not leave the colony without Her Majesty's permission, nor receive or give presents, nor forward articles for presentation to Her Majesty.

10. In colonies without representative assemblies the initiation of laws belongs in general to the Governor. In colonies having representative assemblies it is in many cases provided that the initiation of all measures for the appropriation of public money shall belong to the Governor.

In West Indian islands, or African settlements forming part of any general government, every bill or draft ordinance must be submitted to the Governor-in-Chief before it receives the assent of the Lieutenant-Governor or Administrator.

The nature of a Governor's official position and authority generally was discussed at some length in the case of *Cameron v. Kyte*,³ where the question

¹ As to the Governor-General of Canada, see Todd's Parliamentary Government in the Colonies, pp. 83 *seqq.*

² *Vid. per* Willes, J., in *Phillips v. Eyre*, L. R. 6 Q. B. p. 15, as to the duty of a Governor in case of a rebellion.

³ 3 Knapp, 332.

CHAP. II. was whether the Governor of the Colony of Berbice
Sect. 1. could of his own authority, without any special
The Governor. powers by his commission or instructions or by the
A. Nature of his office, &c. laws of the colony, reduce the commission of the
 Vendue Master, an officer whose duty it was to sell
 all property sold by public auction. In that case
 the judgment of the Judicial Committee, after showing
 that the right to make such an order, if it existed
 at all, must, under the circumstances of the case, be
 implied from the nature of the office of Governor,
 proceeded as follows:¹—"If a Governor, had by
 virtue of that appointment, the whole sovereignty of
 the colony delegated to him as a Viceroy, and represented
 the King in the government of that colony, there would
 be good reason to contend that an act of sovereignty
 done by him would be valid and obligatory upon the
 subject living within his government, provided the act
 would be valid if done by the Sovereign himself, though
 such act might not be in conformity with the instructions
 which the Governor had received for the regulation of
 his own conduct. The breach of those instructions might
 well be contended, on this supposition, to be matter
 resting between the Sovereign and his deputy, rendering
 the latter liable to censure or punishment, but not
 affecting the validity of the act done. But if the
 Governor be an officer merely with a limited authority
 from the Crown, his assumption of an act of sovereignty
 power, out of the limits of the authority

¹ Page 343.

so given to him, would be purely void, and the courts of the colony over which he presided could not give it any legal effect. We think the office of Governor is of the latter description; for no authority or *dictum* has been cited before us to show that a Governor can be considered as having a delegation of the whole Royal power in any colony, as between him and the subject, when it is not expressly given by his commission. And we are not aware that any commission to colonial Governors conveys such an extensive authority.”

CHAP. II.

Sect. 1.

The Governor.

A. Nature of his office, &c.

In the recent case of *Musgrave v. Pulido*,¹ an action against the Governor of Jamaica for damages for an unlawful seizure and detention at Kingston in Jamaica of a ship of which the plaintiff was the charterer, the principal decisions (including *Cameron v. Kyte*) upon the position of Governors of colonies were reviewed, and the result enunciated as follows²:—

“It is apparent from these authorities that the Governor of a colony (in ordinary cases) cannot be regarded as a Viceroy; nor can it be assumed that he possesses general sovereign power. His authority is derived from his commission, and limited to the powers thereby expressly or impliedly intrusted to him.”

The Governor of a colony, being the person to whom the general management of such colony is entrusted, is the person entitled to the bounties

¹ L. R. 5 App. 102.

² Page 111.

CHAP. II. payable in respect of a seizure of slaves, even though
 Sect. 1. he is absent from the colony at the time the seizure
 The Governor. is made.¹

A. Nature of his office, &c. In *Cloete v. The Queen*,² and *Gahan v. Lafitte*,³ the capricious and indiscreet exercise of their powers by Governors of colonies was restrained by the Privy Council. In *The Queen v. Clarke*,⁴ and *The Queen v. Hughes*,⁵ the powers of the Governors of New Zealand and of South Australia to grant waste lands in those colonies respectively were discussed.

B.—*Liability to answer for his acts.*

The liability of the Governor of a colony to answer before the courts of law for his acts may conveniently be discussed under two heads.

I. Liability to civil actions.

Here two questions arise in reference,—first, to the court in which the action may be brought; and, secondly, to the nature of the cause of action.

1. (a) It is well established by the case of *Hill v. Bigge*⁶ that a Governor may be sued in the courts of his own government. That was an action against the Governor of Trinidad in the court of first instance of that island upon a bond given by the defendant to the plaintiffs in London before he became Governor. The defence was that the defen-

¹ *In re Seizure of Slaves at Sierra Leone*, Br. & Lush. Adm. R. 148; 32 L. J. Adm. 189.

² 8 Moo. P. C. C. 484.

³ 3 Moo. P. C. C. 382.

⁴ 7 Moo. P. C. C. 77.

⁵ L. R. 1 P. C. 81.

⁶ 3 Moo. P. C. C. 465.

dant was Governor of Trinidad, and therefore could not be sued in the courts of the island. It was argued that his official position exempted him from the jurisdiction of the courts of the island, by the process of which he might otherwise even be arrested on a *capias*, if judgment were obtained against him ; and his freedom in that respect was likened to that of the Sovereign from actions by the subject. Lord Brougham, however, in delivering the opinion of the Judicial Committee, laid it down that the Governor "does not ever represent the Sovereign generally, having only the functions delegated to him by the terms of his commission, and being only the officer to execute the specific powers with which that commission clothes him."¹ His Lordship pointed out that the liability to be taken in execution was not the necessary consequence of his being liable to have a judgment against him, the privilege from legal process then still existing in certain persons not protecting them from suits. The decision of the court of first instance in Trinidad was therefore affirmed "on the principle that the Governor of a colony under the commission usually issued by the Crown cannot claim, as a personal privilege, exemption from being sued in the courts of the colony."²

(b) On the other hand, in *Fabrigas v. Mostyn*,³ the question was, whether the Governor of a colony could be sued in England for acts committed in his colony. The action was brought in the Common Pleas

CHAP. II.

Sect. 1.
The Gov-
ernor.B. Liability
for his acts.1. In civil
actions.¹ Page 476.² L. R. 5 App. p. 107.³ 20 St. Tr. 81.

CHAP. II.

Sect. 1.
The Governor.B. Liability
for his acts.1. In civil
actions.

at Westminster by a native of Minorca against the Governor of that island for assault and false imprisonment. It was argued on the defendant's behalf that the action could not be brought in an English Court against the defendant, he being the Governor of a colony. Lord Mansfield held that the action did "most emphatically lie;" though some of the language he used in reference to the exemption of a Governor from all suits in the courts of his government must be allowed to have been too broad, and his *dictum*, that the Governor is in the nature of a Viceroy, and that therefore during his government no action, civil or criminal, will lie against him in the courts of his government, was dissented from by Lord Brougham in *Hill v. Bigge*¹ as not necessary to the decision.

*Glynn v. Houston*² was an action for assault and false imprisonment brought in the Common Pleas at Westminster against the Lieutenant-Governor of Gibraltar by a British merchant resident there. On motion for a new trial the only question argued was whether the evidence was sufficient to warrant the verdict, the liability of the defendant in that court not being disputed.³

2. Secondly, as to the nature of the cause of action. The cases already cited sufficiently illustrate a Governor's liability for acts unconnected with his official capacity. The question whether he can be

¹ 3 Moo. P. C. C. 382.² 2 M. & G. 337.³ And see *Campbell v. Hall*, 20 St. Tr. 239; *Bryan v. Arthur*, 11 A. & E. 108.

held liable for acts of State in his capacity of Governor has been raised, but has not yet received a direct answer in any of the courts. *Tandy v. the Earl of Westmoreland*¹ was an action against the Lord-Lieutenant of Ireland "for an act done in his politic capacity." In that case the Lord Chief Baron of Ireland (Lord Avonmore) declared that no man could maintain an action against a Lord-Lieutenant for an act of state during his government.²

CHAP. II.

Sect. 1.
The Governor.B. Liability
for his acts.1. In civil
actions.

That case was relied upon by the Court in *Luby v. Lord Wodehouse*,³ where it was decided that no action was maintainable against a Lord-Lieutenant of Ireland in an Irish court during his continuance in office for any act done by him *qua* Lord-Lieutenant. In delivering judgment the Court referred apparently with approval to Lord Mansfield's *dictum* in *Fabrigas v. Mostyn* as to the non-liability of a Governor in the courts of his government. The disapproval in *Hill v. Bigge* is not irreconcilable with the approval in *Luby v. Lord Wodehouse*. *Hill v. Bigge* only decided that an action could be brought against a Governor in the courts of his government for a cause unconnected with his political capacity; while *Luby v. Lord Wodehouse* decided that an action could not be brought in Ireland against the Lord-Lieutenant of Ireland for an act done in his political capacity.

Both *Tandy v. The Earl of Westmoreland* and

¹ 27 St. Tr. 1246.² Col. 1264.³ 17 Ir. C. L. R. p. 618.

CHAP. II.

Sect. 1.
The Gov.
ernor.

B. Liability
for his acts.

1. In civil
actions.

Luby v. Lord Wodehouse were mentioned in the judgment in *Musgrave v. Pulido*,¹ and it was remarked that "in these cases the Lord-Lieutenant appears to have been regarded as a Viceroy. In both the facts were brought before the Court, and in both it appeared that the acts complained of were political acts done by the Lord-Lieutenant in his official capacity, and were assumed to be within the limits of the authority delegated to him by the Crown. The courts appear to have thought that under these circumstances no action would lie against the Lord-Lieutenant in Ireland; and upon the facts brought to their notice it may well be that no action would lie against him anywhere."

In the same case occur the following remarks with reference to a Governor not regarded as a Viceroy. "If the Governor cannot claim exemption from being sued in the Courts of the Colony in which he holds that office, as a personal privilege, simply from his being Governor, and is obliged to go further, his plea must then show by proper and sufficient averments that the acts complained of were acts of State policy within the limits of his commission, and were done by him as the servant of the Crown, so as to be, as they are sometimes shortly termed, acts of State. A plea however disclosing these facts would raise more than a question of personal exemption from being sued, and would afford an answer to the action not

¹ L. R. 5 App. p. 111.

only in the courts of the colony, but in all courts." ¹

In a subsequent part of the same judgment ² it is said :—" Let it be granted that, for acts of power done by a Governor under and within the limits of his commission, he is protected, because in doing them he is the servant of the Crown and is exercising its sovereign authority; the like protection cannot be extended to acts which are wholly beyond the authority confided to him. Such acts, though the Governor may assume to do them as Governor, cannot be considered as done on behalf of the Crown, nor to be in any proper sense acts of State. When questions of this kind arise, it must necessarily be within the province of municipal courts to determine the true character of the acts done by the Governor, though it may be that, when it is established that the particular act in question is really an act of State policy done under the authority of the Crown, the defence is complete, and the Courts can take no further cognizance of it."

In an action ³ for assault and false imprisonment against the Governor of Jamaica in suppressing a rebellion in that colony, a colonial Act of Indemnity was set up as a defence. "That such an Act was thought to be necessary, and that it was alone relied on as a defence to the action, raises a strong presumption that it had been thought that the

CHAP. II.

Sect. 1.

The Governor.

B. Liability for his acts.

1. In civil actions.

¹ L. R. 5 App. p. 107.² p. 111.³ *Phillips v. Eyre*, L. R. 4 Q. B. 225; 6 Q. B. 1.

CHAP. II.

Sect. 1.

The Governor.

B. Liability for his acts.

1. In civil actions.

action might but for this Act have been maintained. It is to be observed however that the facts of the rebellion and its suppression were averred in the plea by way of introduction to the Act of Indemnity, and Mr. Justice Willes, in delivering the judgment of the Exchequer Chamber, after saying that the Court had discussed the validity of the defence upon the only question argued by counsel, viz., the effect of the Colonial Act, adds, 'but we are not to be understood as thereby intimating that the plea might not be sustained upon more general grounds, as showing that the acts complained of were incident to the enforcement of martial law.'"¹

The tendency of the decisions therefore seems to be towards exempting the Governors of colonies from liability to answer in civil actions for acts of State in the courts both of their governments and of England.

There is no ground whatever for saying that the Governor of a colony cannot give his official sanction to a legislative measure in which he may be individually interested. It might as well be asserted that the Sovereign of these realms could not give assent to a bill in Parliament in which the Sovereign was personally concerned.²

II. Liability to criminal proceedings for acts committed in his government.

¹ L. R. 5 App. p. 110.

² *Phillips v. Eyre*, L. R. 4 Q. B. p. 244.

The Act known as the Governor's Act, 11 & 12 W. 3, c. 12, enacted that "if any governor, lieutenant-governor, or commander-in-chief of any plantation or colony within H. M.'s dominions beyond the seas shall . . . be guilty of oppressing any of H. M.'s subjects beyond the seas within their respective commands, or shall be guilty of any other crime or offence contrary to the laws of this realm or in force within their respective governments or commands, such oppressions, crimes, or offences shall be enquired of, heard, and determined in H. M.'s Court of King's Bench in England, or before such commissioners and in such county as shall be assigned by H. M.'s commission."

CHAP. II.
Sect. 1.
The Governor.
B. Liability for his acts.
2. In criminal proceedings.

This Act was extended by 42 Geo. 3, c. 85, to all persons employed in H. M.'s service in any civil or military capacity out of Great Britain guilty of any crime, misdemeanor, or offence in the execution or under colour or in the exercise of any such employment. It, however, only provided for trial in the King's Bench in England. The latter Act does not extend to felonies, the provision therein for prosecution by way of information by the Attorney-General being interpreted to show that felonies were not contemplated by it, that mode of proceeding not being appropriate to them.¹

In 1802 Governor Wall was tried at the Old Bailey for the murder of a soldier by excessive flogging at Goree, an island off the coast of Africa,

¹ *R. v. Shawe*, 5 M. & S. 403.

CHAP. II. where the accused was at the time Governor.¹

Sect. 1.
The Gov-
ernor.

B. Liability
for his acts.

2. In crim-
inal pro-
ceedings.

That prosecution was conducted under 33 H. 8, c. 23,² which empowered the King's Council to issue a commission of oyer and terminer for the trial in any county of murder committed within or without the king's dominions. Governor Wall was found guilty and executed.

In 1804 General Picton was indicted for having caused Luisa Calderon, a mulatta, to be tortured in the island of Trinidad, of which he was at the time Governor, in order to induce her to make a confession concerning a robbery committed upon her master.³ The proceedings spread over six or eight years. The defendant availed himself of the second section of 42 Geo. 3, c. 85, to obtain from the King's Bench a *mandamus* to the Court and Governor of the island to examine persons as to the laws and usages of the island and the proceedings that had been had against Luisa Calderon, and transmit the proofs to England. The case was twice presented to a jury, and on the second occasion a special verdict was found setting out the facts at great length, and submitting to the judgment of the Court of King's Bench whether upon them the defendant was guilty or not guilty of the charge against him. A prolonged argument ensued upon the question, amongst others, whether the Spanish law allowing torture continued to exist after the

¹ 28 St. Tr. 51.

² Repealed by 9 Geo. 4, c. 31, s. 1, and 9 Geo. 4, c. 74, s. 125.

³ 30 St. Tr. 225.

conquest of the island by England ; the counsel for the prosecution contending that it did not, as being contrary to the fundamental principles of the English constitution. The Court postponed giving judgment ; and sometime afterward respited the defendant's recognizances until they should further order. No further proceedings were taken ; and in 1815 General Picton fell at the battle of Waterloo. A note to the report of the case mentions that " it was thought by the bar that, had the opinion of the Court been delivered, judgment would have been given against General Picton ; but that, upon a consideration of the merits, it would have been followed by a punishment so slight and so little commensurate with the magnitude of the questions embraced by the case, as to have reflected but little credit upon the prosecution." ¹

CHAP. II.

Sect. 1.
The Governor.B. Liability
for his acts.
2. In criminal proceedings.

The above-mentioned statutes of W. 3 and Geo. 4 received discussion in the *Queen v. Eyre*,² where a *mandamus* to a Metropolitan police magistrate was applied for, directing him to hear the evidence in certain charges preferred against the defendant, and to proceed thereon according to law. The defendant had been Governor of Jamaica in 1865 ; and he having returned to England and being within the jurisdiction of the magistrate, application was made for warrants or summonses charging him with having, while Governor of Jamaica, illegally proclaimed martial law, and with certain other mis-

¹ 30 St. Tr. col. 955.² L. R. 3 Q. B. 487.

CHAP. II. **demeanours committed as Governor of the island.**

Sect. 1. On argument the Queen's Bench decided that an
The Gov- offence under the statutes above-mentioned was "an
ernor. offence committed on land beyond the seas, for which
B. Liability for his acts. an indictment might legally be preferred in any
2. In crim- place in England," within section 2 of 11 & 12
inal pro- Vict. c. 42; that that section and the other
ceedings. enactments of the same statute, as to preliminary
proceedings before any magistrate in whose jurisdic-
tion the accused might be, applied to charges under
the other two statutes; and that the Court of Queen's
Bench, where the trial is by them directed to be had,
was included in the term "next court of oyer and
terminer" in section 20 of the statute of Victoria.

Section II.—The Executive Council.

Sect. 2. The Governor is assisted in performing his duties
The Execu- by an Executive Council, the composition and
tive Coun- appointment of which varies as the colony enjoys
cil. responsible government or not.

¹ In colonies where responsible government does not exist the Executive Council consists of the principal officers of the colony with or without a certain number of unofficial members. They are appointed by the Governor's instructions, or by warrant from the Crown, and can be dismissed by the Crown alone, the Governor having merely a power of suspension.

In colonies possessing responsible government

¹ See Rules and Regulations, Colonial Office List.

the Governor has the power to appoint or remove members of the Executive Council, it being understood that those who have lost the confidence of the legislature will resign or discontinue to exercise their functions, analogously to the usage in the United Kingdom.

CHAP. II.
Sect. 2.
The Executive Council.

In some cases the Governor can only act with the advice of the Executive Council ; but, generally speaking, he is not absolutely precluded from acting without it, if the public interest requires him to do so. But he must in such case conform to the special rules in his instructions.

In the West India Colonies possessing representative assemblies the Executive Council sits in some cases with the Governor as a Court of Error.

The statute 22 Geo. 3, c. 75, gives power¹ to the Governor and Council of a colony or plantation to remove any person from his office in the colony for absence without reasonable cause or neglect or misbehaviour. This power was decided by the Judicial Committee in *Willis v. Sir George Gipps*² to apply to judicial offices, and therefore exerciseable in the case of a Judge of the Supreme Court of New South Wales. But in that particular case they considered that the Governor and Council ought to have given the Judge some opportunity of being previously heard against the motion, and on that ground reversed the order of motion.

This decision was approved in *Montagu v.*

¹ S. 2.

² 5 Moo. P. C. C. 379.

CHAP. II. *Lieutenant-Governor of Van Dieman's Land*,¹ where
 Sect. 2. the appellant had had full notice of the charges
 The Execu- against him and had defended himself; and it
 tive Coun- appearing there were sufficient grounds for the
 cil. amotion, the Judicial Committee declined to recom-
 mend Her Majesty to reverse the order, notwith-
 standing a slight irregularity in the proceedings in
 which it was made.

In *Ex parte Robertson* ² the Judicial Committee refused to consider an appeal against the amotion by the Governor General and Executive Council of New South Wales of a Commissioner of Crown lands in that colony, on the ground that they did not enter into the consideration of such acts as were done by the Governor and Council of a colony in the exercise of the power and authority committed to them, whereby they dismissed persons from holding situations in that colony, they holding them not by any patent right, but simply and only during the pleasure of the Governor.

¹ 6 Moo. P. C. C. 489.

² 11 Moo. P. C. C. 288.

CHAPTER III.

LEGISLATIVE POWER.

A COLONIAL Legislature is defined in 26 & 27 Vict. CHAP. III.
c. 84¹ to mean the authority (other than Her Ma- Legislative
jesty in Council) competent to make laws for any of Power.
Her Majesty's possessions abroad, except India, the
Channel Islands, and the Isle of Man. In the sub-
sequent Act to remove doubts as to the validity of
colonial laws² the above definition is repeated;
and a Representative Legislature is defined as any
Colonial Legislature which should comprise a legis-
lative body of which one-half are elected by inhabi-
tants of the colony. By the same section the
expression "colonial law" is to include laws made
for any colony either by such Legislature as afore-
said or by Her Majesty in Council.

It has already been pointed out³ that when a
Representative Legislature has once been granted to
a colony, the legislative power of the Crown by
virtue of prerogative is no longer exerciseable. The

¹ s. 1: cp. 32 & 33 Vict. c. 11, s. 2.
28 & 29 Vict. c. 63, s. 1.

³ *Ante*, p. 15.

CHAP. III. Crown then stands in the same relation to the colony as it does to the United Kingdom.¹
 Legislative Power.

Section I.

Sect. 1.
 Classification of colonies.

The Colonies have been officially classified according to their form of government as follows:—²

A. Class one comprises those in which the Crown has the entire control of legislation, while the administration is carried on by public officers under the control of the Home Government. These are called Crown colonies.

In this class the legislative power is either

a. Entirely in the hands of the Governor as sole legislator, as in

Gibraltar,

S. Helena, and

Heligoland; or

β. It is exercised by the Governor and a Council nominated by the Crown; this Council's authority again being derived either

(1) From the Crown only, as in

Ceylon,

Mauritius,

Hong Kong,

Labuan,

Trinidad,

¹ *Re Lord Bishop of Natal*, 3 Moo. P. C. C., N. S., p. 148.

² See Rules and Regulations, Colonial Office List.

- S. Lucia,
 Fiji ; or
 (2) From Imperial or local law, as in
 * Jamaica,
 The Straits Settlements,
 Sierra Leone,
 Gambia,
 The Gold Coast and Lagos,
 * Grenada,
 Falkland Islands,
 * Honduras,
 * S. Vincent,
 * Tobago.

CHAP. III.

Sect. 1.

Classifi-
cation of
colonies.

In all these colonies, except those marked *, laws may also be made by Order in Council.

Legislative Councils nominated by the Crown consist usually in part of the principal officers of the colony, and in part of unofficial persons.

B. The second class comprises colonies possessing representative institutions, but not responsible government, in which the Crown has no more than a veto on legislation, but the Home government retains the control of public offices. Here the laws are made by the Governor, with the concurrence of either

- a. Two legislative bodies—a Council composed of members nominated by the Crown, and an Assembly composed of elected members ; as in

The Bahamas

CHAP. III.

Sect. 1.
Classifi-
cation of
colonies.

Barbados, and

Bermuda ; or

β. A single legislative chamber, partly elective
and partly nominated by the Crown, as in

* British Guiana,

The Leeward Islands,

* Malta,

Natal, and

Western Australia.

In the colonies marked * the Crown has reserved to itself the right to legislate by Orders in Council. In Natal the Crown has reserved the right to alter or revoke the Constitution.

C. Class three consists of colonies possessing representative institutions and responsible government, in which the Crown has only a veto on legislation, and the Home Government has no control over any public officer except the Governor. Under responsible government the Executive Councillors are appointed by the Governor alone with reference to the exigencies of representative government, the other public officers by the Governor on the advice of the Executive Council. In no appointment is the concurrence of the Home Government requisite. The control of all public departments is thus practically placed in the hands of persons commanding the confidence of a representative legislature. To this class belong

*Canada, the Dominion of,

*Newfoundland,
 †Cape of Good Hope,
 *New South Wales,
 *New Zealand,
 *Queensland,
 †S. Australia,
 †Tasmania,
 †Victoria.

CHAP. III.

Sect. 1.

Classifi-
 cation of
 colonies.

In the colonies marked * the Council or Upper Chamber is nominated by the Crown ; in those marked † it is elective.

The following are subject to the authority of the general legislature of the Dominion, Colony, or Group to which they belong, but possess provincial legislatures of their own.

Name.	Nature of Provincial Legislature.	Subject to.
Ontario	Single elected Assembly	Dominion of Canada.
Quebec	Council and Assembly .	
New Brunswick . .	" "	
Prince Edward's Island .	" "	
Nova Scotia	" "	
Manitoba	" "	Jamaica.
British Columbia . .	Single elected Chamber	
N.W. Territory . . .	Council	
Turk's Island	Nominated Council . .	
Antigua	Composite Council . .	
Montserrat	Nominated Council . .	Leeward Islands.
S. Kitt's	" "	
Nevis	" "	
Virgin Islands . . .	" "	
Dominica	Composite Council . .	
Seychelles	Nominated Council . .	Mauritius.
Anguilla	Composite Council . .	S. Kitt's and Lee- ward Islands.

In colonies without representative assemblies the initiation of all laws belongs in general to the

¹ Council elective.

CHAP. III.

Sect. 1.
Classifi-
cation of
colonies.

Governor. In colonies having such assemblies it is in many cases provided by local or statute law that the initiation of all measures for the appropriation of public money shall belong to the Governor.

In every colony the Governor has authority to give or withhold assent to laws passed by the other branches or members of the legislature. Without his assent no law is binding.

Laws in some cases are passed with clauses suspending their operation until confirmed by Her Majesty. In other cases Parliament has empowered the Governor to reserve laws for the Crown's assent.

Every law which has received the Governor's assent comes into operation immediately or at the time therein specified, unless it contains a suspending clause. But the Crown retains power to disallow all laws; and whenever that power is exercised, the law ceases to operate from the time such disallowance is published in the colony.

In colonies possessing representative assemblies laws purport to be made by the Queen or by the Governor on H. M.'s behalf, or by the Governor alone, with the advice and consent of the Council and Assembly. They are designated Acts almost invariably.

In colonies not having such assemblies laws purport to be made by the Governor with the advice and consent of the Legislative Council, and are designated Ordinances.

In West Indian Islands or African Settlements which form part of any general government every

Bill or draft Ordinance must be submitted to the Governor-in-Chief before it receives the assent of the Lieut.-Governor or Administrator. The Governor-in-Chief may require amendments to be made before the law is brought into operation, or may authorize assent to it on the legislature's engaging to give effect to any recommendation he may have to make by a supplementary enactment.¹

CHAP. III.

Sect. 1.
Classifica-
tion of
colonies.

Section II.

The privileges of Colonial Legislative Assemblies have several times been discussed in the Judicial Committee of the Privy Council. In an action against the Speaker of the House of Assembly of Jamaica and certain magistrates and constables for trespass and false imprisonment,² it was laid down that the power of punishing contempts is inherent in every Assembly possessing supreme legislative authority, whether such as tend indirectly to obstruct proceedings, or directly to bring authority into contempt.

Sect. 2.

Privileges
and powers
of colonial
Assemblies.

That case, however, was overruled by *Kielley v. Carson*³, in which an action for assault and battery and false imprisonment was brought against the Speaker and certain other members and officers of the House of Assembly of Newfoundland. The

¹ See Rules and Regulations, Colonial Office List.

² *Beaumont v. Barret*, 1 Moo. P. C. C. 59.

³ 4 Moo. P. C. C. 63.

CHAP. III. judgment of the Judicial Committee was delivered

Sect. 2. in cautious terms by Mr. Baron Parke, who had
Privileges and powers of colonial Assemblies. also delivered that in *Beaumont v. Barret*. It declared that the House of Assembly of Newfoundland did not possess the power of arrest with a view to adjudication on a complaint of contempt committed out of its doors, no such privilege having been expressly conferred upon it by the Crown, and such an authority not being a necessary incident to the creation of a local legislature.

In the same judgment it was laid down that the power of committal enjoyed by the House of Commons in England was held, not because it was a representative body with legislative functions, but by virtue of ancient usage and prescription, the *lex et consuetudo Parliamenti*, which forms a part of the common law of the land.

The same question was discussed in *Fenton v. Hampton*.¹ There the Legislative Council of Van Diemen's Land had appointed a committee of themselves to inquire into alleged abuses of the convict department, with leave to send for persons in order to prosecute the inquiry. The respondent, who was a comptroller-general of convicts in the island, was summoned, but refused to appear, and eventually was adjudged guilty of contempt by the Council; and on their resolution the Speaker, one of the appellants, issued his warrant for the apprehension of the respondent, who was accordingly taken into

¹ 11 Moo. P. C. C. 347.

custody. For this an action of trespass was brought in the Supreme Court of the colony, in which judgment was given for the respondent. On appeal the Judicial Committee said the principal point involved the constitutional rights and authority of the legislative bodies in various parts of Her Majesty's colonial territories; and decided that the case of *Kielley v. Carson*,¹ where their lordships were of opinion that the House of Assembly did not possess the power of arrest with a view to adjudication on a complaint of contempt committed out of its doors, bound them. They also stated that there was no ground for the distinction attempted to be drawn between cases where the authority of legislative bodies was derived from the Crown, and the then present case where the authority was derived from a statute of the Imperial Parliament. The *lex et consuetudo Parliamenti* apply exclusively to the Lords and Commons of this country, and do not apply to the Supreme Legislature of a colony by the introduction of the common law there.²

CHAP. III.
Sect. 2.
Privileges
and powers
of colonial
Assemblies.

A member of the legislative assembly of Dominica having been committed to prison for a contempt committed in the face of the assembly, it was argued that the previous cases of *Kielley v. Carson* and *Fenton v. Hampton* were distinguishable,

¹ 4 Moo. P. C. C. 63.

² The House of Keys, in the Isle of Man, has not, simply because it is invested with legislative functions, the power to commit for contempt: *In re Brown*, 33 L. J. Q. B. 193.

CHAP. III. having merely decided that the House of Assembly
 Sect. 2. could not punish for a contempt committed out of
 Privileges and powers the House. The Judicial Committee, however, on
 of colonial appeal decided that from the existence of the privi-
 Assemblies. leges of the House of Commons in England it could
 not be argued that like powers belonged to legisla-
 tive assemblies of comparatively recent creation in
 the dependencies of the Crown ; that there was no
 resemblance between a colonial House of Assembly
 and a Court of justice being a Court of record, and
 no ground for saying the power to punish for con-
 tempt, inherent in the one, is by analogy inherent
 in the other ; that the principle in the common law,
quando lex aliquid concedit, concedere videtur et
illud sine quo res ipsa esse non potest, warranted no
 more than the right to remove for self security, not
 to inflict punishment ; and therefore that the House
 of Assembly did not possess authority to commit
 and punish for contempts committed and interrup-
 tions and obstructions given to its business by its
 members or others in its presence and during its
 sitting.¹

In another case² the power of the Legislative
 Assembly of Victoria to commit for contempt was
 argued upon a different footing. That Assembly
 was constituted under a Colonial Act passed in
 1854, ratified and set forth in the 1st schedule to
 the Imperial Statute 18 & 19 Vict. c. 55, by which
 statute a legislative Council and a legislative

¹ *Doyle v. Falconer*, L. R. 1 P. C. 328.

² *Dill v. Murphy*, 1 Moo. P. C. C., N. S., 487.

Assembly were to be constituted; and providing in s. 35 that the Legislature of Victoria should "define" the privileges, immunities, and powers to be held, enjoyed, and exercised by the Council and Assembly and by the members thereof respectively, provided they should not exceed those then held, enjoyed, and exercised by the Commons House of Parliament or the members thereof.¹ By the Act 20 Vict. No. 1, passed in the first colonial Parliament held under the above statute, the legislative Council and Assembly and their committees and members were clothed with such and the like privileges, immunities, and powers as at the time of the passing of the Constitution Act were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and members thereof, so far as the same were not inconsistent with the Constitution Act. Printed copies of the Journals of the House of Commons were made *prima facie* evidence of the privileges, immunities, and powers of the Council or Assembly, or any committee or members thereof. On the construction of this Act it was held that the privileges of the colonial Council and Assembly had been sufficiently defined by it; and that the legislative Assembly had power to commit the appellant for contempt in publishing a libel upon one of its members.

In the *Speaker of the Legislative Assembly of*

¹ There is a corresponding provision in the Canada Act, 38 & 39 Vict. c. 38, s. 1.

CHAP. III. *Victoria v. Glass*,¹ the decision in *Dill v. Murphy*

Sect. 2. was extended. In that case the respondent had
 Privileges and powers of colonial Assemblies. been committed to gaol for a contempt and breach of the privileges of the House by a general warrant of the appellant, which stated on its face that the legislative Assembly had resolved that the respondent was guilty of a contempt and breach of privilege of the legislative Assembly. The respondent obtained a writ of *habeas corpus* addressed to the keeper of the gaol; and on the argument upon the return, setting out two general warrants of the appellant, the Chief Justice and two other judges of the Supreme Court in Victoria had made an order for the discharge of the respondent, which the full Court had declined to rescind. On appeal the Judicial Committee came to the conclusion, following *Dill v. Murphy*, that, the Legislature of the colony having been permitted to carry over to the colony the privileges, immunities, and powers of the House of Commons, and having in terms carried over all the privileges and powers exercised by the House of Commons at the date of the statute, there was carried over to the legislative Assembly of the colony the privilege or power of the House of Commons connected with contempt, the privilege or power, namely, of committing for contempt, of judging itself of what is contempt, and of committing for contempt by warrant stating generally that a contempt had taken place.

¹ L. R. 3 P. C. 560.

The 26 & 27 Vict. c. 84 confirmed all laws theretofore passed or purporting to have been passed by any colonial legislature, with the object of declaring or altering the constitution of such Legislature or of any branch thereof, or the mode of appointing or electing the members of the same.¹

CHAP. III.
Sect. 2.
Privileges
and powers
of colonial
Assemblies.

An Act having been passed to indemnify the Governor of Jamaica and certain other persons for proceedings taken by them in suppressing a rebellion in the island, it was considered by the Queen's Bench that local Legislatures having been established in our colonies with plenary power of legislation, the same comity which obtains between nations should be extended to them by the tribunals of this country, when their law conflicts with ours in respect of acts done within their jurisdiction. And the Court decided that, as it could not be disputed that it was within the competence of the local Legislature to pass the law, it effectually deprived the plaintiff of the right he would otherwise have had of maintaining an action in this country.²

The 28 & 29 Vict. c. 63 was passed to remove doubts as to the validity of colonial laws. After defining a colonial Legislature and a colonial law as above quoted,³ it provides⁴ that an Act of Parliament or any provision thereof shall in construing that Act be said to extend to any colony when it is made applicable to such colony by the

¹ S. 2.

² *Phillips v. Eyre*, L. R. 4 Q. B. 225; 6 Q. B. 1.

³ *Ante*, p. 43.

⁴ S. 1.

CHAP. III. express words or necessary intendment of any Act
Sect. 2. of Parliament.

Privileges
and powers
of colonial
Assemblies.

By section 2 any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

By section 3 no colonial law shall be or be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.¹

By section 4 no colonial law, passed with the concurrence of or assented to by the Governor of any colony, or to be hereafter so passed or assented to, shall be or be deemed to have been void or inoperative by reason only of any instructions with reference to such law or the subject thereof which may have been given to such Governor by or on behalf of Her Majesty, by any instrument other than the letters patent or instrument authorizing such Governor to concur in passing or to assent to laws of peace, order, and good government of such

¹ *Bank of Australasia v. Nias*, 16 Q. B. 717.

colony, even though such instructions may be referred to in such letters patent or last mentioned instrument.

CHAP. III.
Sect. 2.
Privileges
and powers
of colonial
Assemblies.

By section 5 every colonial Legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish Courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative Legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers and procedure of such Legislature; provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, letters patent, Order in Council, or colonial law for the time being in force in the said colony.

Upon section 5 of this Act a question arose in an appeal from Lower Canada¹ as to whether the Quebec Act, 33 Vict. c. 58, was repugnant to the provisions of the Imperial British North America Act, 1867. The provincial Act was passed to relieve a benevolent society incorporated in Montreal of pecuniary embarrassment arising from improvident regulations. The Imperial Act created a Dominion Parliament for Canada, and a Legislature for the province of Quebec; and by section 91

¹ *L'Union de S. Jacques de Montréal v. Bélisle*, L. R. 6 P. C. 31.

CHAP. III.

Sect. 2.
Privileges
and powers
of colonial
Assemblies.

provided that the Dominion Parliament should have exclusive legislative authority over *inter alia* matters of bankruptcy and insolvency, which were not to be deemed matters of a local and private nature. By the next section were brought exclusively under the legislative authority of the provincial legislature *inter alia* the establishment, maintenance, and management of eleemosynary institutions in and for the province, and generally all matters of a merely local or private nature in the province. The Judicial Committee decided that the provincial Act was not an Act relating to bankruptcy or insolvency, and therefore not illegal and unconstitutional as repugnant to the Imperial Act.

Colonial proclamations, treaties, and other Acts of State, and judgments, decrees, orders and other judicial proceedings of colonial courts, as well as affidavits, pleadings, and other legal documents filed or deposited in colonial courts, may be proved by examined or duly authenticated copies.¹

¹ 14 & 15 Vict. c. 99, s. 7.

CHAPTER IV.

JUDICIARY AND BAR.

It has already been mentioned¹ that under the CHAP. IV.
statute 22 Geo. III. c. 75, s. 2, the Governor and Judiciary
and Bar.
Council of a colony are empowered to amove persons from judicial office in the colony for absence without reasonable cause, or neglect, or misbehaviour. The following memorandum with reference to the removal of colonial Judges was drawn up by order of the Lord President, in pursuance of a request from the Earl Granville, the Secretary of State for the Colonial Department, and submitted to and confirmed by the Lords of the Council in 1870.²

“It is obvious that some effectual means ought to exist for the removal of colonial Judges charged with grave misconduct ; and these means ought to be less cumbrous than those existing for the removal of one of Her Majesty’s Judges in England. The mode of procedure ought to protect Judges against the party and personal feelings which sometimes sway colonial Legislatures, and to ensure to the accused party a

¹ *Ante*, p. 41.

² 6 Moo. P. C. C., N. S., Appendix, ix.

CHAP. IV. full and fair hearing before an impartial and elevated
Judiciary tribunal.
and Bar.

“Hence it was considered in the case of Mr. Justice Boothby that although the Legislature of South Australia had passed addresses to the Crown for his removal, that measure did not suffice, as it would have done in England; and that although the Legislature might act as his accuser, it rested with the advisers of the Crown in England to dispose of the charges against him.

“All the forms of suspension or removal which are in use lead by different roads to the same result, viz., a hearing before the Privy Council.

“When a positive ‘motion’ has been made by a Governor under Burke’s Act (22 Geo. III. c. 75), the appeal to the Queen in Council is *strictissimi juris*, being provided by the statute itself.

“When an order of suspension from office has been made, the matter has commonly been referred by the Queen to the Judicial Committee, on the recommendation of the Secretary of State, though not invariably so, as in some cases the Secretary of State has himself advised the Crown to confirm or to disallow the suspension.

“The reference may be made to the Judicial Committee, or to a Committee of Council generally; but if it be made to the Judicial Committee, it is desirable that the Lord President and the Secretary of State for the Colonies should sit with the Judges on the hearing. This course has been pursued with advantage in several instances.

“When charges are brought by a colonial Assembly CHAP. IV.
 against a Judge in the shape of a petition to the Judiciary
 Queen in Council for his removal, as in the cases of and Bar.
 Chief Justice Boulton, from Newfoundland, Mr.
 Justice Sanderson, from Grenada,¹ and Chief Jus-
 tice Beaumont, from British Guiana, the Privy
 Council exercises a species of original jurisdiction on
 these petitions, which shall be considered presently.

“It may be remarked, generally, that it is extremely difficult, and might be highly injurious to the public service, to lay down an inflexible rule as to the mode of procedure to be adopted in all cases of this nature. When a Judge is charged with gross personal immorality or misconduct, with corruption, or even with irregularity in pecuniary transactions, on evidence sufficient to satisfy the Executive Government of the colony of his guilt, it would be extremely improper that he should continue in the exercise of judicial functions during the whole time required for a reference to England, or a protracted investigation before the Privy Council. Immediate suspension is in such cases a necessity, if much greater evils are to be avoided. But it must be borne in mind that a Governor who resorts to such a measure takes it at his own peril, and is bound to make out a complete case in justification of it. When such cases come to be investigated at home, both the Governor and the Judge are on their trial; and to have taken unwarrantable pro-

¹ See *post*, pp. 66, 142.

CHAP. IV.

Judiciary
and Bar.

ceedings against a Judge would doubtless be regarded as a most serious offence on the part of an Executive Officer.

“On the other hand, when the charges against a Judge consist, not in any acts of personal misconduct, but in a cumulative case of judicial perversity tending to lower the dignity of his office and perhaps to set the community in a flame, it is more difficult for the local Executive to act on its own responsibility. It is in cases of this description that petitions for the removal of Judges have been addressed to the Queen in Council by colonial Legislatures.

“This last mentioned mode of proceeding has been found by the Lords of the Judicial Committee to be more dilatory, more expensive, more onerous to the parties, and less satisfactory to their Lordships, than the mode by way of previous suspension or amotion. And that for the following reasons :—The Privy Council, accustomed to act as a Court of Appeal, that is, to review the evidence and decision of inferior tribunals, has by its constitution considerable difficulty in exercising an original jurisdiction, especially when the evidence has to be transmitted from the colonies. No regular system of pleadings and procedure can be said to exist in such cases. The consequence is that, the charges being often loose, vague, and multifarious, their Lordships have not found it easy to reduce them to distinct and positive issues of fact or law, such as are necessary to the maintenance of a quasi-criminal proceeding.

“As in ecclesiastical suits for the correction or removal of clerks, to which these proceedings offer some analogy, it is essential that the acts complained of should be clearly expressed, and that the accused person should have full notice of all that is to be proved against him.”

CHAP. IV.
Judiciary
and Bar.

“When the issues are settled comes the difficulty of the evidence. Both sides produce affidavits and other written evidence from the colony. When a batch of affidavits has been filed on one side, application is made by the other side for time to answer them. Great delay and expense ensue; and, as in the case of Mr. Beaumont, this kind of irregularity may protract the hearing of the case for two or three years, during which time the Judge, whom the colony is seeking to remove, retains his office. When the case is completed by the parties or their agents and brought in for argument, it is often loaded with a mass of irrelevant matter. Over these proceedings, regulated as they are by the advice of counsel on either side, their Lordships can exercise but little control in the preliminary stages of the case, being themselves unacquainted with the merits of it.

“The mode of motion with the right of appeal, or of temporary suspension with a reference to England, is not open to these objections. The evil of an inefficient or discredited judicial officer is at once removed. The Governor, who feels called upon to take so decided a step, is bound to give the accused person full notice of all the charges brought

CHAP. IV. against him, to call upon him for his answer, and to
Judiciary hear it. This, therefore, affords a solid ground-
and Bar. work for his subsequent proceedings.

“Furthermore, the Governor, knowing that his decision will be reviewed in England on appeal, is bound, for his own justification, to send home the proceedings and evidence on which that decision rests in a clear and intelligible shape; and provision is made for the performance of this duty, Nos. 83, 84, 85, and 86 of the colonial Regulations.

“If the matter is then referred by Her Majesty in Council to the Judicial Committee, their Lordships are at once in a position to deal with it. The delay and expense incidental to getting up a case at a distance from the original scene in dispute vanish. The case is, or ought to be, already complete. And if it be at once submitted to the judgment of their Lordships in a complete form, there is no reason that it should not be heard and disposed of in a very short time, and at a small expense. Mr. Cloete’s case¹ (8 Moo. P. C. C. 484) is a very fair sample of a proceeding judiciously conducted in this manner. That gentleman had been improperly removed from a judicial office on the 19th April, 1853; he was restored to it by their Lordships on the 20th February, 1854; and although he had undoubtedly suffered an injustice, their Lordships expressed their desire that he should be indemnified for the expense he had been unjustly put to; and he was, in fact,

¹ See *post*, p. 101.

soon afterwards promoted to a higher judicial office.

CHAP. IV.
Judiciary
and Bar.

“It is scarcely necessary to add that in colonies having legislative Assemblies those Assemblies cannot be deprived of their undoubted constitutional right to address the Crown for the removal of a Judge; and the exercise of this right is altogether independent of the course which the Governor of the colony may think fit to adopt. When the charges against a judicial officer originate with Assemblies, the form of address or petition is perhaps the most correct, though not the most convenient, form of proceeding. When the action for removal originates with the Governor, he has the power to give effect to it in his own hands, subject to the control of the Home authorities.

“The experience of the Lords of the Council, therefore, strongly corroborates the arguments stated in a paper presented to the Colonial Office by Sir F. Roger in favour of proceedings by the Governor, subject to a review by the Secretary of State or the Privy Council in England; and they have invariably found that in cases in which proceedings have originated with the local Assemblies, the delay, uncertainty, and expense have been greatly augmented. At the same time, when the misconduct charged is purely judicial, and therefore not properly amenable to the decision of the Executive authority, acting on the advice of Law Officers or advisers of inferior rank, it would seem that the due maintenance of the independence of judges requires that judicial

CHAP. IV.
Judiciary
and Bar.

acts should only be brought into question before some tribunal of weight and wisdom enough to pronounce definitively upon them; and this function appertains with peculiar fitness to the Privy Council, which, as a Court of Appeal, has to review the decision of the Colonial Courts."

A memorial having been presented to the Queen by one branch of a colonial Legislature complaining of the conduct in his office of a Chief Justice of the colony, and praying the Crown to adopt such measures of relief to the inhabitants of the colony as should seem expedient and justifiable; and setting forth eleven particulars of charges against the Chief Justice; the Judicial Committee, to whom the memorial and a counter one of the Chief Justice were referred, reported that in the course of fourteen years of office several instances of intemperate and in some cases illegal conduct had been established against the Chief Justice; but having regard to the length of time elapsed since all the acts except one were committed, and that the last of the acts (three years before), though erroneous and improper, was committed in the execution of what the Chief Justice thought his duty, they did not think, sitting judicially, they could say he ought to be removed for misconduct.¹

The Judicial Committee have refused to issue an order in the nature of a *mandamus* to the judges of a colonial Court to enter up judgment after verdict

¹ *Representatives of the Island of Grenada v. Sanderson*, 6 Moo. P. C. C. 38.

obtained by the plaintiff in an action of assault, CHAP. IV.
Judiciary
and Bar. though such judgment ought to have been entered up as of course. They merely recommended the petitioner to apply again to the judges with an intimation of their Lordships' opinion.¹

Where the Judge of a Vice-Admiralty Court decreed the sale of a ship after being served with an inhibition from the Judicial Committee, their Lordships refused to attach him, because it was not proved to their satisfaction not only that there was error, but wilful error, and that it proceeded from corrupt or improper motives.²

In the colonies there are no Inns of Court. Advocates and attorneys have always been admitted in the colonial Courts by the judges. The power of suspending from practice is incidental to that of admitting to practice. Therefore the Judicial Committee refused to advise Her Majesty to interfere with the order of the Justices of the Common Pleas in Antigua disbarring an advocate for professional and general misconduct.³ And two orders of the Supreme Court of New Zealand, the first suspending, the second striking off the rolls, an attorney of that Court, applied for by a barrister prac-

¹ *In re Muir*, 3 Moo. P. C. C. 150 ; cp. *In re Assignees of Manning*, 3 Moo. P. C. C. 154.

² *Barton v. Field*, 4 Moo. P. C. C. 273. And see *Cloete v. The Queen*, 8 Moo. P. C. C. 484.

³ *In re the Justices of the Common Pleas at Antigua*, 1 Knapp, 267.

CHAP. IV. tising in the Court, were sustained by the Judicial
 Judiciary Committee.¹
 and Bar.

A Court of record in the colonies is the sole judge of what constitutes contempts of court. There is no remedy by petition to the Judicial Committee to review the propriety of orders imposing fines for contempts. The Judicial Committee has no jurisdiction to entertain petitions impugning the propriety of such orders.² Not a single case is to be found where there has been a committal by one of the colonial Courts for contempt, where it appeared clearly upon the face of the order that the party had committed a contempt, that he had been duly summoned, and that the punishment awarded for the contempt was an appropriate one, in which the Committee has ever entertained an appeal against an order of that description.³ But disbarring and striking off the rolls is not an appropriate punishment for contempt of court; and a petition against such an order will therefore be entertained, as well as against other inappropriate punishments.⁴

Thus a practitioner in the Supreme Court, Halifax, Nova Scotia, having written a letter in his private capacity as suitor to the Chief Justice complaining of a supposed grievance suffered by him as suitor, and reflecting on the judges and the administration

¹ *Bunny v. Judges of New Zealand*, 15 Moo. P. C. C. 164.

² *Rainy v. the Justices of Sierra Leone*, 8 Moo. P. C. C. 47.

³ *McDermott v. Judges of British Guiana*, L. R. 2 P. C. p. 363.

⁴ *Smith v. Justices of Sierra Leone*, 3 Moo. P. C. C. 361; *In re Downie and Arrindell*, 3 Moo. P. C. C. 414; as explained in *McDermott v. Judges of British Guiana*, L. R. 2 P. C. 341.

of justice generally in the Court, was by order of the Court suspended from practising in the Court. On appeal the Judicial Committee discharged the order as substituting a penalty and mode of punishment not appropriate to the offence. The letter, though a contempt of Court, and punishable by fine and imprisonment, having been written by a practitioner in his individual and private capacity as a suitor, in respect of a supposed grievance as a suitor, of an injury done to him as such suitor, and having no connexion whatever with his professional character, or anything done by him professionally either as an attorney or barrister, it was not competent for the Supreme Court to go further than award to the offence the customary punishment for contempt of Court, or to inflict a professional punishment of indefinite suspension for an act not done professionally, and which, *per se*, did not render the party committing it unfit to remain a practitioner in Court.¹

When an order suspending from practice is made upon grounds unsupported by evidence,² or without notice to the person concerned, or upon insufficient grounds,³ or without giving time to prepare defence,⁴ the Judicial Committee on appeal will rescind it.

¹ *In re Wallace*, L. R. 1 P. C. 283.

² *In re Monckton*, 1 Moo. P. C. C. 455.

³ *Smith v. Justices of Sierra Leone*, 7 Moo. P. C. C. 174.

⁴ *Emerson v. Judges of Sup. Ct. of Newfoundland*, 8 Moo. P. C. C. 157.

CHAP. IV.

Judiciary
and Bar.

In a recent case on appeal from Hong Kong¹ a barrister of the Supreme Court of that colony had been fined by the Chief Justice by order of Court, and adjudged to have been guilty of several contempts of Court in disrespectfully addressing the Chief Justice while conducting a cause before him. The order was made without notice of the alleged contempt, or rule to show cause, and without the appellant being heard in defence. The Judicial Committee reported to Her Majesty that in their judgment no person should be punished for contempt of Court, which was a criminal offence, unless the specific offence charged against him was distinctly stated, and an opportunity of answering it given him; and that in that case they were not satisfied that was done before sentence passed; that they were not satisfied that each of the six offences, for which the sentence was received, amounted to a contempt of court, or was legally an offence; and they recommended that the fine should be remitted.

A Judge of the Queen's Bench in Lower Canada, sitting alone in exercise of criminal jurisdiction, has no power under s. 72 of c. 77 of the Consolidated Statutes of Canada to pronounce a counsel in contempt for publishing two letters reflecting upon his conduct, or to impose a fine.² Where a fine is imposed, the remedy is to petition the Crown for a

¹ *In re Pollard*, L. R. 2 P. C. 106; 5 Moo. P. C. C., N. S., 111.

² *In re Ramsay*, L. R. 3 P. C. 427.

reference to the Judicial Committee under 3 & 4 CHAP. IV.
Will. 4 c. 41, s. 4.¹ Judiciary
and Bar.

The Judicial Committee has no jurisdiction to direct the release of a party imprisoned for a contempt of the Court below pending an appeal respecting the results of the suit.²

¹ *Ibid.*

² *Hughes v. Porral*, 4 Moo. P. C. C. 41.

CHAPTER V.

APPEALS FROM THE COLONIES.

CHAP. V.

Appeals
from the
colonies.

IT is the settled prerogative of the Crown to receive appeals in colonial cases.¹

The Queen has authority by virtue of her prerogative to review the decisions of all colonial Courts, whether the proceedings be of a civil or criminal character, unless Her Majesty has parted with such authority. But the inconvenience of entertaining such appeals in cases of a strictly criminal character is so great, the obstruction that it would offer to the administration of justice in the colonies is so obvious, that it is very rarely that applications of that character to the Judicial Committee have been attended with success.² Where, however, questions are raised of great and general importance and likely to occur often; and where the due and orderly administration of the law has been interrupted or diverted into a new course, which might create a precedent for the future; and where there are no

¹ *In re Bishop of Natal*, 3 Moo. P. C. C., N. S., p. 156.

² *Falkland Islands Co. v. Reg.*, 1 Moo. P. C. C., N. S., p. 312; cp. *In re Ames*, 3 Moo. P. C. C. 409.

other means of preventing those consequences, an appeal will be entertained by the Committee.¹

CHAP. V.

Appeals
from the
colonies.

Where a Canadian Act, passed under the authority of an Imperial Act, limited the right of appeal to Her Majesty in Council to causes in which the sum in dispute was more than £500, saving however the rights and prerogatives of the Crown; and the sum in dispute was less than £500; leave to appeal was refused by the Privy Council.² In a subsequent case, however, where a similar point arose, leave to appeal was granted; and it was observed that in *Cuvillier v. Aylwin* the proviso in s. 43 of the Canadian Act (34 Geo. 3, c. 6), expressly reserving the royal prerogative, did not appear to have been directly adverted to.³ And in a recent case⁴ the Judicial Committee overruled *Cuvillier v. Aylwin* upon the general principle that in any case where a prerogative of the Crown has existed, precise words must be shown to have taken it away.

The Crown now exercises its prerogative to receive appeals from the colonies through the Judicial Committee of the Privy Council, which is the Court of Appeal in England from the colonies.⁵ It consists of the Lord President of the Privy Council; the Lord High Chancellor of Great Britain; all Privy Councillors who hold or have held any of the offices of Lord of Appeal in ordinary, Lord Chief Justice

¹ *Reg. v. Bertrand*, L. R. 1 P. C. 520; cp. *Reg. v. Murphy*, L. R. 2 P. C. 35, 535.

² *Cuvillier v. Aylwin*, 2 Knapp, 72.

³ *In re Marois*, 15 Moo. P. C. C. 189.

⁴ *Cushing v. Dupuy*, L. R. 5 App. 409.

⁵ 3 & 4 Will. 4, c. 41, s. 2.

CHAP. V.
Appeals
from the
colonies.

of England, Master of the Rolls, Lord Justice of the Court of Appeal, Judge of any of the late Courts of Queen's Bench, Common Pleas, Exchequer, Probate, or Admiralty, or of Chief Judge in Bankruptcy ; all past Presidents of the Council and Lord Chancellors ; together with any two others whom Her Majesty shall think fit to appoint from time to time on the Committee.¹ Her Majesty may also summon other Privy Councillors to the Committee.² By 34 & 35 Vict. c. 91 power was given to Her Majesty to appoint four paid members within twelve months, who had been either Judges of a Superior Court at Westminster, or Chief Justices of the High Court of Judicature at Fort William, Madras, or Bombay, or of the late Supreme Court of Judicature at Fort William. Three members of the Committee form a *quorum*.³

In order to prosecute an appeal from a colonial Court to Her Majesty in Council leave must be obtained from the Court below according to the rules in the colony with reference to such appeals.⁴ If leave, however, has not been obtained from the Court below, either because there are no rules,⁵ or because the Court below has no power to allow appeals direct to Her Majesty in Council,⁶ or because

¹ See 3 & 4 Will. 4, c. 41, s. 1 ; 37 & 38 Vict. c. 35, sched. as to 3 & 4 Will. 4, c. 41 ; 20 & 21 Vict. c. 77, s. 115 ; 39 & 40 Vict. c. 59, ss. 6, 14 ; 44 Vict. c. 3.

² 3 & 4 Will. 4, c. 41, s. 5.

³ 14 & 15 Vict. c. 83, s. 16.

⁴ A detailed account of these rules is given in Macpherson's Privy Council Practice, which has been consulted in preparing the following account.

⁵ *Siemens v. Heirs of Bufe*, 11 Moo. P. C. C. 62.

⁶ *Flint v. Walker*, 5 Moo. P. C. C. 179 ; *Bank of Australasia v.*

the rules in the colony have not been complied with CHAP. V.
 —e.g., in that the amount in dispute is less than the Appeals
from the
colonies.
 appealable value,¹ or that the time for presenting an
 appeal has expired,² or that proper security for costs
 has not been given,³ &c., a petition to Her Majesty
 in Council may be presented for special leave to
 appeal, which will be referred to the Judicial Com-
 mittee for them to advise whether it should be
 granted or refused.

When leave to appeal has been obtained, the
 appellant must prepare a transcript of the proceed-
 ings below and transmit it to the office of the Privy
 Council. Along with the transcript must be for-
 forwarded a written account of the reasons given by
 the judges of the Court below for the judgment
 pronounced by them.⁴ If the transcript is not
 printed in the colony, the appellant must within a
 certain time call on the Registrar of the Privy
 Council to cause it, or such part of it as the appellant
 and respondent consider necessary, to be printed.

The transcript having been delivered at the Privy
 Council Office, the appellant presents his petition of
 appeal,⁵ which usually merely contains a short state-

Breillat, 6 Moo. P. C. C. 152; *Marchioness of Bute v. Mason*, 7 Moo.
 P. C. C. 1; *Bank of Australasia v. Harris*, 15 Moo. P. C. C. 97;
Bunny v. Judges of New Zealand, 15 Moo. P. C. C. 164. By 7 & 8
 Vict. c. 69, s. 1, power was given to admit appeals from colonial
 Courts, although not Courts of Errors or Appeals in the colonies.

¹ See Topical Index of Cases, Practice, 43-58, *post*.

² See *ibid*, 34-37, *post*.

³ *Ibid*, 33-63, *post*.

⁴ See 7 & 8 Vict. c. 69, s. 11.

⁵ Petitions of appeal from Canada may be presented before de-

CHAP. V. ment of the proceedings below, and that the petitioner is aggrieved by the judgment, has obtained leave to appeal, and prays for a reversal. The petition is lodged by bringing it into the Privy Council Office and leaving it with the clerks there.

Appeals
from the
colonies.

Originally the petition was submitted to Her Majesty at the first Council meeting after the lodging; when Her Majesty made an order referring it to the Judicial Committee to hear and report upon it.¹ Subsequently authority was given to the Judicial Committee to proceed in hearing and reporting upon appeals duly presented without any special order in Council referring the same to them, provided that Her Majesty in Council had by Order in Council in the month of November directed that all appeals should be referred to the said Judicial Committee on which petitions might be presented to Her Majesty in Council during twelve months next after the making of such order.² This Order in Council is passed every November as a matter of course.

On hearing that the petition of appeal has been lodged, the respondent appears to it by sending a letter to the Registrar stating his full name, the Court appealed from, and the date of the judgment appealed from.

livery of the transcript. See Macpherson's Practice, 2d ed., p. 81.

¹ 3 & 4 W. 4, c. 41, s. 3.

² 7 & 8 Vict. c. 69, s. 9.

It is rather curious that there is no provision CHAP. V. apparently for securing that notice of the appeal Appeals from the colonies. being lodged should be given to the respondent.¹ The proceedings in the Court below will, however, in ordinary cases have given him notice. If he does not appear the appellant may obtain a summons to him from the Judicial Committee to appear within two months, and post it at the Royal Exchange,² or Lloyd's Coffee House; followed, if necessary, by a peremptory order to appear in six weeks, posted at the same places. When the respondent has appeared, the parties prepare their respective cases, which are always drawn and signed by counsel.

The cases are prepared with the assistance of the transcript. The appellant's case details so much of the proceedings below as are necessary to support his view, placing in an appendix such parts of the transcript as require special notice, and cannot conveniently be inserted in the case itself. Then the reasons of the appeal are shortly set forth. No particular form is necessary.

Each party delivers to his opponent a copy of his case, after he has lodged it. Whichever party first lodges his case may obtain an order on his opponent to lodge his within one month from service of the order; on default of compliance with which another order may be obtained for delivery of the case within a fortnight on pain of the cause being set down for hearing *ex parte*.

¹ See *Willis v. Gipps*, 5 Moo. P. C. C. p. 384.

² *Willis v. Gipps*, *ubi sup.*

CHAP. V.

Appeals
from the
colonies.

Finally the cause is set down in a list, and comes on in its turn for argument by counsel.

After hearing the arguments the Judicial Committee makes a report or recommendation to Her Majesty in Council, the nature of which is always stated in open court.¹ A majority of the members present must concur in such report or recommendation.²

After an appeal has been admitted and referred to the Judicial Committee, interlocutory petitions should be addressed to the Committee, not to Her Majesty in Council.

¹ 3 & 4 W. 4, c. 41, s. 3.

² *Ibid*, s. 5.

CHAPTER VI.

IMPERIAL STATUTES RELATING TO THE COLONIES.

Section 1.

Imperial Statutes relating to the Colonies in general.

7 Geo. 3, c. 50 : So much of as relates to Post Office offences in America and the West Indies. CHAP. VI.
Sect. 1.

22 Geo. 3, c. 75, ss. 2—4 : Offices in colonies. Imperial
Statutes
relating to
the colonies
in general.

3 & 4 Will. 4, c. 41 :¹ Establishing Judicial Committee of the Privy Council to hear appeals from the colonies. Amended by 6 & 7 Vict. c. 38 ; 7 & 8 Vict. c. 69,² giving appeal from inferior Court in colony direct to Queen in Council ; 14 & 15 Vict. c. 83. Sections 22, 25—27, 1 (as to Judge of Prerogative Court of Archbishop of Canterbury), 29, repealed by Statute Law Revision Acts of 1861, 1874, 1875.

3 & 4 Will. 4, c. 73, s. 12, last half of : Abolishing slavery throughout the British colonies, plantations and possessions abroad.

¹ *In re Pollard*, L. R. 2 P. C. 106, (s. 4) ; *Logan v. Burslem*, 4 Moo. P. C. C. 284 ; *Hutchinson v. Gillespie*, 2 Moo. P. C. C. 243, (s. 17) ; *Falle v. Le Sueur*, 12 Moo. P. C. C. 501, (s. 7).

² *Harrison v. Scott*, 5 Moo. P. C. C. 357 ; *A.-G. of Jamaica v. Manderson*, 6 Moo. P. C. C. 239 ; *In re Barnett*, 4 Moo. P. C. C. 453 ; *Hitchins v. Hollingsworth*, 7 Moo. P. C. C. 228.

CHAP. VI.

Sect. 1.
Imperial
Statutes
relating to
the colonies
in general.

3 & 4 Vict. c. 96, s. 44 : Postage on proceedings of colonial Legislatures.

5 & 6 Vict. c. 45 : Copyright.¹ Amended by 10 & 11 Vict. c. 95 ; and see 39 & 40 Vict. c. 36, s. 152.

6 & 7 Vict. c. 7 : Pardon of transported convicts ;² holding of property by ticket-of-leave men (ss. 1 and 6 repealed).

6 & 7 Vict. c. 34 : Rendition of offenders in colonies escaping to United Kingdom. Repealed as to ss. 10 ("such as" to "sessions of the peace") and 11.

7 & 8 Vict. c. 49, ss. 1—5, 9, 10 : Posts in colonies, rates of postage. But see 38 & 39 Vict. c. 22, s. 14.

10 & 11 Vict. c. 85, s. 3 : Collection and recovery of colonial postage. But see 38 & 39 Vict. c. 22, s. 14.

12 & 13 Vict. c. 66 : To enable colonial Legislatures to establish inland posts.

12 & 13 Vict. c. 96 : Prosecution and trial within colonies of offences committed within the jurisdiction of the Admiralty. Extended to India by 23 & 24 Vict. c. 88. S. 5 repealed from "and the word Governor" to end, by 44 & 45 Vict. c. 59.

14 & 15 Vict. c. 99, s. 7 : Proof of colonial proclamations, treaties, Acts of State, judgments, &c., and other judicial proceedings, and legal documents.

¹ *Low v. Routledge*, L. R. 1 Ch. App. 42 ; 3 H. L. 100, nom. *Routledge v. Low*.

² *Barnett v. Blake*, 2 Drewr. & Sm. 117.

15 & 16 Vict. c. 39 : Sale moneys of lands in colonies, appropriation of.

15 & 16 Vict. c. 52 : Colonial bishops acting in England. Extended by 16 & 17 Vict. c. 49, and amended by 37 & 38 Vict. c. 77, ss. 8, 13.

CHAP. VI.
Sect. 1.
Imperial
statutes
relating to
the colonies
in general.

15 & 16 Vict. c. 86, s. 22 : Swearing and taking legal proceedings and documents in the colonies.¹

16 & 17 Vict. c. 48 : Punishment of coin offences in colonies except where other provision made by colonial Acts ; power to make such provision.

16 & 17 Vict. c. 84, s. 1 : Number of Asiatic and African passengers in ships.

16 & 17 Vict. c. 107, ss. 165, 166, 182, 183, 188 : Regulations as to customs.

16 & 17 Vict. c. 107, ss. 327, 330, 331 : Regulations as to import and export and trade in certain colonies.

17 & 18 Vict. c. 104, ss. 17—108, 109, 288—290, 547 : Merchant Shipping (Colonial).²

18 & 19 Vict. c. 91, ss. 2—8 : Erection and maintenance of colonial lighthouses.

18 & 19 Vict. c. 119, ss. 95—98 : Application of Passenger Act to colonial voyages.

19 & 20 Vict. c. 113 : Taking evidence as to civil and commercial matters pending before foreign tribunals. S. 6, from “provided” to the end, repealed by 44 & 45 Vict. c. 59.

20 & 21 Vict. c. 39 : Admission of Attorneys

¹ *Re Goss's Estate*, 12 Jur. N. S. 595.

² See *post*, 32 & 33 Vict. c. 11.

CHAP VI. and Solicitors of certain colonial Courts to English
 Sect. 1. Superior Courts. Amended by 37 & 38 Vict. c. 41.
 Imperial statutes relating to the colonies in general. 21 & 22 Vict. c. 90, ss. 31, 46: Medical practitioners in the colonies.

21 & 22 Vict. c. 108, s. 21: Swearing and taking in the colonies documents in proceedings in Court of Divorce.

22 Vict. c. 25: Government of convict prisons in Her Majesty's dominions abroad. S. 1 repealed by 38 & 39 Vict. c. 66.

22 & 23 Vict. c. 12: Authorising repeal by colonial Legislatures of parts of 54 Geo. 3, c. 15, and 5 & 6 Will. 4, c. 62. S. 1 repealed by 38 & 39 Vict. c. 66.

22 & 23 Vict. c. 63: To afford facilities for ascertaining the law administered in one part of Her Majesty's dominions when pleaded in the Courts of another part thereof.¹

23 & 24 Vict. c. 121: Civil government and administration of justice in new settlements.

23 & 24 Vict. c. 122: Enabling colonial Legislatures to make enactments similar to 9 Geo. 4, c. 31, s. 8.

24 & 25 Vict. c. 95, s. 2: Saving from repeal certain enactments extended to the colonies.

25 Vict. c. 20: Prohibition of issue of writ of *Habeas Corpus* into any colony having a court authorized to grant the same.

26 & 27 Vict. c. 24: Vice-Admiralty Courts,

¹ *Lord v. Colvin*, 29 L. J. Ch. 297.

constitution, practice and jurisdiction of.¹ Extended Chap. VI.
and amended by 30 & 31 Vict. c. 45. Sect. 1.

26 & 27 Vict. c. 76 : Time at which Letters Imperial
Patent are to take effect in the colonies. statutes
relating to
the colonies
in general.

26 & 27 Vict. c. 84 : Confirming constitutional
Acts of colonial Legislatures.

28 & 29 Vict. c. 14 : Colonial Naval Defence.

28 & 29 Vict. c. 63 : Validity of colonial laws.²

28 & 29 Vict. c. 64 : Establishing validity of
colonial marriage laws.

28 & 29 Vict. c. 106 : Loans for construction of
colonial docks.

29 & 30 Vict. c. 87 : Power to Queen to assign
same jurisdiction to Colonial Courts as to Courts out
of Her dominions under Foreign Jurisdiction Acts.

31 Vict. c. 29 : Medical Practitioners, Registra-
tion of.

31 & 32 Vict. c. 37 : Documentary Evidence.

32 Vict. c. 10 : Removal of prisoners from one
colony to another for purpose of punishment.

32 & 33 Vict. c. 11 : Merchant Shipping (Co-
lonial).³

33 & 34 Vict. c. 10, s. 11 : Coinage.

33 & 34 Vict. c. 14, s. 16 : Power of colonies to
legislate as to naturalization.

33 & 34 Vict. c. 52, ss. 17, 18 : Extradition of
criminals. Amended by 36 & 37 Vict. c. 60.

¹ *Casanova v. Reg.*, 3 Moo. P. C. C., N. S., 484, (s. 23).

² *L'Union de S. Jacques de Montréal v. Bélisle*, L. R. 6 P. C. 31,
(s. 5); *Bank of Australasia v. Nias*, 16 Q. B. 717; 20 L. J. Q. B.
284, (s. 3).

³ See *ante*, 17 & 18 Vict. c. 104.

CHAP. VI.

Sect. 1.
Imperial
statutes
relating to
the colonies
in general.

33 & 34 Vict. c. 90 : Foreign enlistment.

37 & 38 Vict. c. 27 : Regulating sentences of colonial Courts when jurisdiction to try given by Imperial Acts.

37 & 38 Vict. c. 77 : Colonial Clergy.

39 & 40 Vict. c. 36, s. 149 : Powers of Commissioners as to customs, &c., vested in Governors, &c., of colonies.

39 & 40 Vict. c. 36, ss. 151, 161 : Customs Acts to extend to colonies except where otherwise provided, or where provision for management of customs made by local ordinance or Act. Colonial laws, &c., repugnant to Customs Acts to be void.

39 & 40 Vict. c. 36, s. 153 : Forfeiture of goods of foreign manufacture imported into colonies if bearing names or brands of manufacturers resident in United Kingdom.

40 & 41 Vict. c. 23 : Transferring to Governor of colony fortifications held in trust for defence of colony.

40 & 41 Vict. c. 59 : Colonial stock. Amended by 43 & 44 Vict. c. 20, s. 54.

41 & 42 Vict. c. 67 : Extending and amending Foreign Jurisdiction Acts. Power to extend 6 & 7 Vict. c. 34 ; 12 & 13 Vict. c. 96 ; 14 & 15 Vict. c. 99, ss. 7, 11 ; 17 & 18 Vict. c. 104, pt. X. ; 19 & 20 Vict. c. 113 ; 22 Vict. c. 20 ; 22 & 23 Vict. c. 63 ; 23 & 24 Vict. c. 122 ; 24 & 25 Vict. c. 11 ; 30 & 31 Vict. c. 124, s. 11 ; 37 & 38 Vict. c. 94, s. 51 ; to places to which Foreign Jurisdiction Act, 1843, applies.

42 & 43 Vict. c. 33, s. 168 (4), 169 (3): Application of military law to troops raised out of United Kingdom or India.

Chap. VI.
Sect. 1.
Imperial
statutes
relating to
the colonies
in general.

44 & 45 Vict. c. 69: To amend the law with respect to fugitive offenders in Her Majesty's dominions, and for other purposes connected with the trial of offenders.

Slavery stands abolished in the colonies by 3 & 4 Will. 4, c. 73,¹ s. 12, and 6 & 7 Vict. c. 98, s. 2; and the importation of slaves and the slave trade generally is forbidden by 5 Geo. 4, c. 113, ss. 2—11, 12 (to "taken to be in full force"), 39, 40, and 47, and 36 & 37 Vict. c. 88. And see 27 & 28 Vict. c. 24. Jurisdiction is given to English consular officers on the East Coast of Africa in relation to the slave trade by 36 & 37 Vict. c. 59, amended by 42 & 43 Vict. c. 38.

Section 2.

Imperial Statutes relating to particular Colonies.

AFRICA, COAST OF.—1 & 2 Geo. 4, c. 28: Possessions of African Co. vested in the Crown and annexed to Sierra Leone.

Sect. 2.
Imperial
statutes
relating to
particular
colonies.

6 & 7 Vict. c. 13: Government of settlements on.

21 & 22 Vict. c. 35: Confirming convention with the French as to Portendic and Albreda.

AFRICA, SOUTH.—26 & 27 Vict. c. 35: Prevention and punishment of offences by Her Majesty's

¹ *Richards v. Attorney-General of Jamaica*, 6 Moo. P. C. C. 381.

CHAP. VI.**Sect. 2.**

Imperial
statutes
relating to
particular
colonies.

subjects in parts of S. Africa not within jurisdiction of any civilised government.

40 & 41 Vict. c. 47 : Providing for a Union of the South African Colonies and States, and framing Constitution.

AFRICA, WEST.—16 & 17 Vict. c. 86 : Rights of liberated Africans in Sierra Leone ; to be deemed natural born subjects.

24 & 25 Vict. c. 31 : Prevention and punishment of offences in territories adjacent to Sierra Leone.

34 Vict. c. 8 : Extending jurisdiction of Courts to offences committed out of Her Majesty's dominions.

BRITISH KAFFRARIA.—28 & 29 Vict. c. 5 : Union with Cape of Good Hope.

CAPE OF GOOD HOPE.—26 & 27 Vict. c. 35 : Extending laws for punishment of crime to British subjects in parts of S. Africa not within jurisdiction of civilised government ; appointment of magistrates in such territory.

28 & 29 Vict. c. 5 : Incorporation of British Kaffraria with.

40 & 41 Vict. c. 47, s. 58 : Power to annex British possessions in S. Africa.

AMERICA, NORTH, BRITISH POSSESSIONS IN.—39 & 40 Vict. c. 36, s. 150 : Base coin not to be imported into.

NORTH WESTERN TERRITORIES OF.—22 & 23 Vict. c. 26 : Administration of justice ; regulation of trade with Indians.

BRITISH COLUMBIA.—22 & 23 Vict. c. 26 : Juris-

diction of Courts over offences committed in Indian territory. CHAP. VI.
Sect. 2.

29 & 30 Vict. c. 67: Union with Vancouver's Island. Imperial
statutes
relating to
particular
colonies.

33 & 34 Vict. c. 66: Government of.

CANADA.—14 Geo. 3, c. 83¹: Defining province of Quebec. Repealed as to ss. 3, 4, 6, 7, 11 (fr. "subject" to end), 12—17.

31 Geo. 3, c. 31, ss. 38—40, 43—45: Parsonages; grants of lands.

1 & 2 Geo. 4, c. 66: Trade with Indians; administration of justice in Indian territories. Repealed as to s. 5 and ss. 6—13 so far as relating to Vancouver's Island and British Columbia.

3 Geo. 4, c. 119, ss. 31, 32: Tenure of lands.

6 Geo. 4, c. 59²: Extinction of feudal tenures; addition of parts of Labrador, &c., to Lower Canada; clergy reserves.

6 Geo. 4, c. 75: Canada Co.

9 Geo. 4, c. 51: Canada Co.

1 Will. 4, c. 20: Tenure of lands in Lower Canada.

3 & 4 Vict. c. 38: Sale of clergy reserves.

14 & 15 Vict. c. 63: Settling boundaries between Canada and New Brunswick.

15 & 16 Vict. c. 53: Bishopric of Quebec.

16 & 17 Vict. c. 21: Clergy reserves.

19 & 20 Vict. c. 23: Canada Co.

¹ *Migneault v. Malo*, L. R. 4 P. C. 123.

² *Macdonald v. Lamb*, L. R. 1 P. C. 539.

CHAP. VI.

Sect. 2.

Imperial
statutes
relating to
particular
colonies.

20 & 21 Vict. c. 34 : Boundaries between Canada and New Brunswick.

22 & 23 Vict. c. 26 : Regulation of trade with Indians ; administration of justice.

30 & 31 Vict. c. 3¹ (British N. America Act) : Union of Canada, Nova Scotia, and New Brunswick, and government thereof. Amended by 38 & 39 Vict. c. 38.

30 & 31 Vict. c. 16 : Guarantee of international railway loan.

31 & 32 Vict. c. 105 : Rupert's Land ; surrender of lands by Hudson's Bay Co.

32 & 33 Vict. c. 11, s. 7 : Merchant Shipping.

32 & 33 Vict. c. 11, s. 7 : Canada to be one British possession for the purposes of the Merchant Shipping Act, 1854, and the Acts amending the same.

32 & 33 Vict. c. 101 : Guarantee of loan for payment to Hudson's Bay Co. for Rupert's Land.

34 Vict. c. 28 : Establishing new provinces ; altering boundaries of provinces ; legislation for territories and provinces.

35 & 36 Vict. c. 45² : Treaty of Washington (Fisheries) ; suspension of Acts at variance with.

¹ *Valin v. Langlois*, L. R. 5 App. 115, (s. 92, sub-s. 14) ; *Dow v. Black*, L. R. 6 P. C. 272 ; *L'Union de S. Jacques de Montréal v. Bélisle*, L. R. 6 P. C. 31, (ss. 91, 92) ; *Cushing v. Dupuy*, L. R. 5 App. 409, (ss. 91, 92) ; *Citizens, &c., Co. v. Parsons*, L. R. 7 App. 96, (ss. 91, 92) ; *Dobie v. Temporalities Board*, L. R. 7 App. 136, (ss. 91, 92, 129) ; *Western Coys. Ry. Co. v. Windsor, &c., Ry. Co.*, L. R. 7 App. 178, (s. 108).

² *Direct U. S. Cable Co. v. Anglo-American Telegraph Co.*, L. R. 2 App. 394.

36 & 37 Vict. c. 45: Guarantee of loan for Pacific railway and canals. CHAP. VI.
Sect. 2.

37 & 38 Vict. c. 26: Canadian stock, stamps.

38 & 39 Vict. c. 53: Canada Copyright Act, Act giving effect to, &c. Imperial statutes relating to particular colonies.

NEW BRUNSWICK.—14 & 15 Vict. c. 63; 20 & 21 Vict. c. 34; 30 & 31 Vict. c. 3; 38 & 39 Vict. c. 38. See Canada.

NEWFOUNDLAND.—59 Geo. 3, c. 38: Fisheries off.

5 Geo. 4, c. 67: Administration of justice. Repealed as to coast of Labrador by 6 Geo. 4, c. 59, s. 9; and as to ss. 11, 18, 19, 21 (from "that of Governor" to "instead under this Act"), 23—34, 36, by 36 & 37 Vict. c. 91.

5 Geo. 4, c. 68, s. 1, from "provided always" to end of section: Marriages in.

2 & 3 Will. 4, c. 78, s. 1: Continuation of Acts.

5 & 6 Vict. c. 120: Amending Constitution. Ss. 5, 6, 8—11, repealed.

12 & 13 Vict. c. 21: Rebuilding S. John's.

NOVA SCOTIA.—30 & 31 Vict. c. 3: See Canada.

PRINCE EDWARD'S ISLAND.—3 & 4 Vict. c. 35, s. 60: Union of Magdalen Islands with.

VANCOUVER'S ISLAND.—12 & 13 Vict. c. 48: Administration of justice in.

29 & 30 Vict. c. 67: Union with British Columbia.

AMERICA, SOUTH, COLONIES IN.—11 & 12 Vict. c. 130; 32 & 33 Vict. c. 69: Guarantee of interest on loans.

CHAP. VI.

Sect. 2.
Imperial
statutes
relating to
particular
colonies.

AUSTRALASIA.—24 & 25 Vict. c. 52 : Regulating marine intercolonial passenger traffic.

See PACIFIC ISLANDS.

AUSTRALIAN COLONIES.—5 Geo. 4, c. 86 : Australian Agricultural Co.

11 Geo. 4 and 1 Will. 4, c. 24 : Ditto.

18 & 19 Vict. c. 56 : Disposal of waste lands.

24 & 25 Vict. c. 44, s. 5 : Determining boundaries.

36 & 37 Vict. c. 22 : Power to Legislatures of to regulate customs duties.

AUSTRALIA, SOUTH.—5 & 6 Vict. c. 61 : Government of. Ss. 1—3, 9, 12, 14, repealed by 38 & 39 Vict. c. 66. As to constitution, appointment, and power of Council, repealed by

13 & 14 Vict. c. 59 : Legislative Council in, &c.

24 & 25 Vict. c. 44, s. 1 : Additions to the colony.

25 & 26 Vict. c. 11 : Validity of Acts ; altering constitution.

29 & 30 Vict. c. 74, s. 2 : Validity of laws as to customs duties.

28 & 29 Vict. c. 63, s. 7 : Validity of laws.

AUSTRALIA, WESTERN.—13 & 14 Vict. c. 59 : Legislative Council of, &c.

25 & 26 Vict. c. 11 : Validity of Acts ; altering constitution.

29 & 30 Vict. c. 74, s. 2 : Validity of laws as to customs duties.

NEW SOUTH WALES.—3 & 4 Vict. c. 62 : Erecting new colonies out of.

5 & 6 Vict. c. 76 : Government of. But see 7 & 8

Vict. c. 74, ss. 2, 4; 13 & 14 Vict. c. 54, ss. 8, 13, 16, 23; 18 & 19 Vict. c. 54, s. 2; 29 & 30 Vict. c. 74, s. 1; 38 & 39 Vict. c. 66.

CHAP. VI.

Sect. 2.

Imperial
statutes
relating to
particular
colonies.

18 & 19 Vict. c. 54: Conferring constitution.
Part of s. 7 repealed by 24 & 25 Vict. c. 44, s. 4.

12 & 13 Vict. c. 22: Validity of grants of land.

24 & 25 Vict. c. 44, ss. 1, 2, 4: Erecting other colonies.

25 & 26 Vict. c. 11: Validity of certain laws; altering constitution.

29 & 30 Vict. c. 74, s. 2: Validity of laws as to duties of customs.

QUEENSLAND.—24 & 25 Vict. c. 44: Affirming authority of government and legislature in.

VICTORIA.—18 & 19 Vict. c. 55¹: Conferring constitution.

25 & 26 Vict. c. 11: Validity of Acts; altering constitution.

29 & 30 Vict. c. 74, s. 2: Validity of laws as to customs.

VAN DIEMEN'S LAND.—6 Geo. 4, c. 39: Van Diemen's Land Co.

5 & 6 Vict. c. 76: Government of. But see 7 & 8 Vict. c. 74, ss. 2, 4; 13 & 14 Vict. c. 54, ss. 8, 13, 16, 23; 18 & 19 Vict. c. 54, s. 2; 29 & 30 Vict. c. 74, s. 1; 38 & 39 Vict. c. 66.

10 & 11 Vict. c. 57: Granting lands to Van Diemen's Land Co.

¹ *Speaker of Legislative Assembly of Victoria v. Glass*, L. R. 3 P. C. 560.

CHAP. VI.

Sect. 2.
Imperial
statutes
relating to
particular
colonies.

13 & 14 Vict. c. 59; Constitution of.
25 & 26 Vict. c. 11: Confirmation of Acts; altering constitution of legislative bodies.
29 & 30 Vict. c. 74, s. 2; Validity of laws as to customs.

NEW ZEALAND.—9 & 10 Vict. c. 103; 11 & 12 Vict. c. 95: Government of. But see

15 & 16 Vict. c. 72: Granting representative constitution; repealing the previous Acts so far as repugnant to it. Amended by 20 & 21 Vict. c. 53.

10 & 11 Vict. c. 112: New Zealand Co.

12 & 13 Vict. c. 79: Ditto.

13 & 14 Vict. c. 70: Canterbury Association.

14 & 15 Vict. c. 84: Ditto.

14 & 15 Vict. c. 86: Management of settlements by New Zealand Co.

15 & 16 Vict. c. 72, s. 76: Transfer of powers of Canterbury Association to Council of Province.

15 & 16 Vict. c. 88: Bishopric of Christchurch.

20 & 21 Vict. c. 51; 29 & 30 Vict. c. 104; 33 & 34 Vict. c. 40; 36 & 37 Vict. c. 15: Loan guarantee.

25 & 26 Vict. c. 48; 31 & 32 Vict. c. 57: Government of.

26 & 27 Vict. c. 23: Boundaries.

31 & 32 Vict. c. 57: Appointment of members of Legislative Council.

31 & 32 Vict. c. 92: Powers of General Assembly in altering provinces.

31 & 32 Vict. c. 93: Equitable interests in land.

33 & 34 Vict. c. 40: Public loans (Roads). CHAP. VI.
Sect. 2.
Amended by 36 & 37 Vict. c. 15.

NORFOLK ISLAND.—4 & 5 Will. 4, c. 65: Criminal Courts in, constitution of. S. 1 repealed by 37 & 38 Vict. c. 35. Imperial statutes relating to particular colonies.

CEYLON.—16 & 17 Vict. c. 84, s. 2: Regulations as to number of Asiatic and African passengers on ships.

32 & 33 Vict. c. 77; 35 & 36 Vict. c. 55: Loan for Basses lighthouse, &c.

37 & 38 Vict. c. 24; 39 & 40 Vict. c. 31, s. 5; 42 & 43 Vict. c. 77, s. 4: Loan for harbour of Colombo.

FALKLAND ISLANDS.—6 & 7 Vict. c. 13: Government of.

FIJI.—41 & 42 Vict. c. 61: Validating marriages in before erection into colony.

HONDURAS, BRITISH.—44 & 45 Vict. c. 36: Court of Appeal for; Supreme Court of Jamaica to constitute.

HONG KONG.—18 & 19 Vict. c. 104: Powers of Legislature as to Chinese passenger ships.

22 & 23 Vict. c. 9: Providing for exercise of duties of Chief Superintendent in China.

LABUAN.—29 & 30 Vict. c. 115: Separation from India; government of.

MALTA.—41 Geo. 3, c. 103, s. 3; 39 & 40 Vict. c. 36, s. 164: To be deemed part of Europe.

MAURITIUS.—11 & 12 Vict. c. 130; 32 & 33 Vict. c. 69: Loan guarantee.

CHAP. VI.

Sect. 2.
Imperial
statutes
relating to
particular
colonies.

39 & 40 Vict. c. 36, s. 150 : Prohibition of importation of base coin into.

PACIFIC ISLANDS.—35 & 36 Vict. c. 19, amended by 38 & 39 Vict. c. 51 : Pacific Islanders' protection.

S. HELENA.—3 & 4 Will. 4, c. 85, s. 112 : Vesting island and government in Crown.

STRAITS SETTLEMENTS.—3 & 4 Vict. c. 56, s. 8 : Staying legal proceedings in.

20 & 21 Vict. c. 75 : Jurisdiction in matters arising in Siam.

29 & 30 Vict. c. 115 : Separation from India ; government of.

30 & 31 Vict. c. 45, s. 17 : Extension of Admiralty Courts Acts to.

32 & 33 Vict. c. 88 : Separation from diocese of Calcutta.

33 & 34 Vict. c. 55 : Jurisdiction of Supreme Court as to matters in Siam, &c.

37 & 38 Vict. c. 38 : Apprehension and trial of offenders for offences committed in Malay Peninsula, &c.

WEST INDIA ISLANDS.—2 & 3 Will. 4, c. 125 ; 5 & 6 Will. 4, c. 51 ; 3 & 4 Vict. c. 40 ; 7 & 8 Vict. c. 17 ; 8 & 9 Vict. c. 50 ; 11 & 12 Vict. c. 38 ; 17 & 18 Vict. c. 94 ; 19 & 20 Vict. c. 35 ; 25 & 26 Vict. c. 55 ; 30 & 31 Vict. c. 91 : Loans for relief of Jamaica, Barbadoes, S. Vincent, S. Lucia, Dominica, Trinidad, British Guiana.

42 & 43 Vict. c. 16 : Remission of irrecoverable

balances due from private persons in; powers of Relief Commissioners transferred to Public Works Loan Commissioners; unclaimed sums in Commissioners' hands.

CHAP. VI.
Sect. 2.
Imperial
statutes
relating to
particular
colonies.

1 & 2 Vict. c. 67 : Regulation of prisons in.

5 & 6 Vict. c. 4 : Increasing bishoprics and archdeaconries.

11 & 12 Vict. c. 130 ; 32 & 33 Vict. c. 69 : Loan guarantee.

17 & 18 Vict. c. 117 ; 21 & 22 Vict. c. 96 (ss. 3 and 5 repealed) ; 22 & 23 Vict. c. 96 ; 25 & 26 Vict. c. 45 ; 27 & 28 Vict. c. 108 ; 35 & 36 Vict. c. 9 : Commissioners for sale of incumbered estates in.

31 & 32 Vict. c. 120 : Relief of consolidated fund from salaries of bishops and clergy in. S. 1 repealed from "and all the powers" to "hereby repealed."

ANTIGUA.—13 & 14 Vict. c. 15 : Court of Appeal for colonies comprised in Governor's commission.

22 & 23 Vict. c. 13 : Extension of laws of Antigua to Barbuda.

BARBADOES.—13 & 14 Vict. c. 15 : Court of Appeal for colonies comprised in Governor's commission.

BARBUDA.—See ANTIGUA.

GRENADA.—39 & 40 Vict. c. 47 : Provision for constitution and government of.

JAMAICA.—25 & 26 Vict. c. 55 : Commutation of debt.

26 & 27 Vict. c. 31 : Government of Cayman Islands.

- CHAP. VI.** 29 & 30 Vict. c. 12 : Altering government of.
- Sect. 2.** 32 & 33 Vict. c. 69 : Guarantee of loans.
- Imperial
statutes
relating to
particular
colonies. 36 & 37 Vict. c. 6 : Annexation of Turks and
Caicos Islands to.
- LEEWARD ISLANDS.**—34 & 35 Vict. c. 107 : Union
of into one colony of six presidencies ; government
of.
- S. VINCENT.**—39 & 40 Vict. c. 47 : Provision for
constitution and government of.
- TOBAGO.**—39 & 40 Vict. c. 47 : Provision for
constitution and government of.

TOPICAL INDEX OF CASES
DECIDED IN THE PRIVY COUNCIL
ON APPEAL FROM
THE COLONIES, THE CHANNEL ISLANDS,
AND
THE ISLE OF MAN,

*Reported in Acton, Knapp, Moore, the Law Reports, and the
Law Journal Reports, to July, 1882.*

TOPICAL INDEX OF CASES.

AFRICAN COLONIES.

CAPE OF GOOD HOPE.

1. Assignment of movable and immovable property for the benefit of creditors—Suit to set aside.

Stanford v. Brunette, 14 Moo. P. C. C. 35.

2. Customs Ordinance, No. 6 of 1853, ss. 24, 25, 50—Entry of cases omitting mention of the dutiable part of the contents—Forfeiture of all contents—Valid entry not affected by invalid entry in same bill—Treble penalties—Fraudulent intention need not be proved.

Graham v. Pocock, L. R. 3 P. C. 345.

3. Bishop, colonial—Suspension and deprivation of clergyman by—Offence warranting—Refusal to obey synod—Status of church and ministers in Cape of Good Hope.

Long v. Bishop of Cape Town, 1 Moo. P. C. C., N. S., 411.

4. Ecclesiastical corporation which colony must recognize, power of Crown to create—Queen's letters patent creating a metropolitan and two suffragan bishops for colony of Cape of Good Hope—No confirmation by Legislative Council and House of Assembly—Deposition of suffragan by metropolitan—Power of Crown to confer jurisdiction or coercive legal authority on metropolitan over suffragan—Oath of canonical obedience, effect of—Ultimate appellate jurisdiction to Archbishop of Canterbury—Jurisdiction of Judicial Committee in ecclesiastical causes—Dispute in colonies between independent prelates—Crown cannot create court to administer other than common law—Ecclesiastical law not carried by settlers to colony or settlement where no established church.

In re Bishop of Natal, 3 Moo. P. C. C., N. S., 115.

5. Dutch Reformed Church, constitution and government of—Ordinances of 1843 and 1847—Charges of false doctrine against ministers—Jurisdiction of synod and presbytery.

Murray v. Burgers, L. R. 1 P. C. 362.

CAPE OF GOOD HOPE—*continued.*

6. Hypothecation of immovable and other property—Debtor's affairs hopeless—Cape of Good Hope Insolvency Ordinance No. 6 of 1843, s. 84—Undue preference.
Smith v. Carpenter, 12 Moo. P. C. C. 101.
7. Husband and wife—Placaat of Charles V., 4th Oct., 1540—Insolvency Ordinance No. 6 of 1843—Conflict of laws—Domicil—Marriage settlement made in England affecting real estate in Cape Colony—Bond of hypothecation—Registration—Bankruptcy—Order of priority of creditors in separate and joint estate of bankrupts—Postponement of wife's claim under settlement to creditors—Undue preference.
Thorburn v. Steward, L. R. 3 P. C. 478.
8. Husband and wife—Community of goods—Mutual will—Power of revocation—Adiation—Acquiescence—Roman-Dutch law.
Denysen v. Mostert, L. R. 4 P. C. 236.
9. Land, purchase of—Advance of purchase-moneys to purchaser's agent acting under invalid power of attorney and mortgaging purchaser's estate—Balance unaccounted for—Roman-Dutch law.
Denysen v. Botha, 13 Moo. P. C. C. 352.
10. Licence to trade from Governor-General of India between Calcutta and Canton—Voyage from Canton to Cape of Good Hope—Illegality—54 Geo. 3, c. 34—Manifest.
Balston v. Bird, 1 Knapp, 121.
11. Marine insurance—Implied warranty of seaworthiness—Different complements and equipments at different stages of voyage—Continuance of seaworthiness—Negligence of master and crew no defence.
Biccard v. Shepherd, 14 Moo. P. C. C. 471.
12. Principal and surety—Civil law—Laches of creditor—Loss of benefit of hypothec of debtor—No discharge of surety.
Macdonald v. Bell, 3 Moo. P. C. C. 315.
13. Roads, curators of public—Right to take ground for repair—Compensation—Act No. 10 of 1864.
Divisional Council of Cape Division v. Villiers, L. R. 2 App. 567.
14. Sale of goods—Payment by bill of exchange drawn by vendors upon general agents of both vendors and purchasers—Credit of vendors and debit of purchasers in books of agents—Acceptance of bill by agents—Stoppage of acceptors before maturity of bill—Protest for non-payment—Bill of exchange only payment if bill

CAPE OF GOOD HOPE—continued.

honoured at maturity—Opening of credit by purchasers not a satisfaction of vendors' demand.

Maxwell v. Deare, 8 Moo. P. C. C. 363.

15. Salvage—Reluctance to review—Risk of avoiding insurance by deviation to salve—Derelict—Increase of amount.

The Scindia, L. R. 1 P. C. 241.

16. Surveys—Action against Government for fees for—Fees payable in advance—Received by district secretary under arrangement between him and surveyor—Insolvency of district secretary—No right to claim arrears from the Government.

Van Rooyen v. Vander Reit, 2 Moo. P. C. C. 177.

17. Water, rights to—Regulations and ordinances of Governor and Council as to—Power to make—Rights of lower proprietors.

Van Breda v. Silberbauer, L. R. 3 P. C. 84.

NATAL.

1. Cathedral—Crown grant of land for—Trusteeship of.

Bishop of Cape Town v. Bishop of Natal, L. R. 3 P. C. 1.

2. Suspension from office of Recorder by Lieut.-Governor and Executive Council under Ordinance No. 14 of 1845—Reforming affidavit as to personal conduct of Lieut.-Governor instead of rejecting—Interference of private feelings with administration of justice—Rescission of order of suspension—Salary of appellant.

Cloete v. Reg. 8 Moo. P. C. C. 484.

3. Legal estate—Registration—Equitable estate prior in time—Evidence—*Res inter alios acta*—Judgment in another suit.

Natal Land and Colonization Co. v. Good, L. R. 2 P. C. 121.

4. Partnership—Ordinance No. 4 of 1849—Joint stock company—Limited liability.

Aldridge v. Cato, L. R. 4 P. C. 313.

5. Public officer, suit against in official capacity—Jurisdiction—Liability of servants of Crown—Petition of right.

Palmer v. Hutchinson, L. R. 6 App. 619.

GRIQUALAND.

1. *Erfpacht*, grant in, subject to conditions—Construction—Full ownership—Beneficial ownership of minerals granted in perpetual quit-rent.

Webb v. Giddy, L. R. 3 App. 908.

2. Imposing charge upon the subject—Cape Colony Act, No. 6 of 1864—Construction—Bank notes.

Oriental Bank Corporation v. Wright, L. R. 5 App. 842.

SIERRA LEONE.

1. Contempt of Court—Order of Recorder's Court disbaring and striking practitioner off rolls for—Reversal and rescission of.
Semble—A fine imposed by Court of Record for contempt cannot be remitted by Judicial Committee on appeal.
Smith v. Justices of Sierra Leone, 3 Moo. P. C. C. 361.
2. Contempt of Court—Orders of Judge striking off rolls for—Terms of leave to appeal from—Discharge of orders—Direction to appellant to apply for re-admission in colony.
Smith v. Justices of Sierra Leone, 7 Moo. P. C. C. 174.
3. Contempt of Court—Fining practitioner for by Court of Record in colonies—Jurisdiction of Judicial Committee to entertain appeal from—Court sole judge of what constitutes contempt—Reference by Colonial Office to Judicial Committee of whole complaint against Judge—Advice to remit part of fines.
Rainy v. Justices of Sierra Leone, 8 Moo. P. C. C. 47.
4. Customs Regulations, breach of—Seizure of goods for—Restoration without damages or costs—Probable cause—Appeal for costs not allowed—*Xenos v. Aldersley*, 12 Moo. P. C. C. 359, approved.
Wilson v. Reg., L. R. 1 P. C. 405.
5. Customs Ordinances, breach of—Condemnation of boats and goods for—Vessel not within three miles of shore at time of unloading—Burden of proof.
Rolet v. Reg., L. R. 1 P. C. 198.
6. Revenue laws, breach of—Condemnation of goods and owner in penalties—Security for costs, rule as to not applying to appeal against penalties—Appeal *in formâ pauperis* where appellant not heard below—*Ex parte* decision.
George v. Reg., L. R. 1 P. C. 389.
7. Judge without jury—Power to adjourn or postpone judgment or verdict—Allowing amendment to declaration.
Rainy v. Bravo, L. R. 4 P. C. 287.
8. Slave Trade Acts—Seizure of Portuguese ship in harbour—Obligation of seisor to justify acts—Absence of reasonable ground of suspicion—*Primâ facie* evidence of slave-trading—Treaty with Portuguese—6 & 7 Vict. c. 53.
Regina v. Casaca, L. R. 5 App. 548.
9. Slave Trade Acts—Seizure of ship under 5 Geo. 4, c. 113—Restoration of by Court below without damages and costs—Rule of evidence in 5 & 6 Will. 4, c. 60—Application of not admitted.
Casanova v. Reg., L. R. 1 P. C. 268.

SIERRA LEONE—*continued*.

10. Slave Trade Acts—Attachment for non-payment of costs in appeal under—Discharge upon *superedeas* by Crown—Costs—5 Geo. 4, c. 113, s. 44.

Jennings v. Hill, 4 Moo. P. C. C. 369.

AUSTRALIAN COLONIES.

NEW SOUTH WALES.

1. Annuity—Covenant to pay to woman for separate use without anticipation—Marriage of covenantor and annuitant—Survival of annuitant—Suspension of annuity.
Fitzgerald v. Fitzgerald, 5 Moo. P. C. C., N. S., 180.
2. Assignment by letter of herd of cattle to endorers of purchaser's promissory note—Loss of herd—Court of Appeals non-continuance of—Non-issue of new charter of justice, order in Council, or letters patent, making rules for appeals—Appeal allowed on special petition.
Flint v. Walker, 5 Moo. P. C. C. 179.
3. Bank, transmission of credit to branch—Acceptance by branch—Effect of.
Prince v. Oriental Bank, 47 L. J. P. C. 42.
4. Bankruptcy—Proof against partnership estate in respect of joint debts.
Hoare v. Oriental Bank Corporation, L. R. 2 App. 589.
5. Bill of exchange—Acceptance of payable four and five months after date—Drawers declared insolvent—Fraudulent preference—New South Wales Insolvent Act, 5 Vict. No. 17.
Harris v. Bank of Australasia, 15 Moo. P. C. C. 116.
6. Bill of review on account of discovery of new evidence—When maintainable—Order allowing review of Master's report by Court below reversed.
Hosking v. Terry, 15 Moo. P. C. C. 493.
7. Commissioner of Crown Lands, office of, created by New South Wales Act, 4 Will. 4, No. 110—Tenure *durante bene placito*—No appeal to Queen in Council from order of amotion by Governor General and Executive Council—22 Geo. 3, c. 75, applicable only to offices held by patent for life or term—No jurisdiction in Judicial Committee to consider dismissal of public servant by Governor General of Colony from office held during pleasure unless on express reference by Crown—Order for leave to appeal granted on report of Judicial Committee,

NEW SOUTH WALES—*continued.*

without prejudice to respondent's right to show cause—Cause shown on counter petition—Order rescinded.

Ex parte Robertson, 11 Moo. P. C. C. 288.

8. Contract—Distinct engagements to do acts legal and illegal—Enforcement of performance of legal acts—Business of Banking Co.—Leave to appeal on special petition where no power given by Charter of Justice or Act of Parliament creating Court.

Bank of Australasia v. Breillat, 6 Moo. P. C. C. 152.

9. Criminal proceedings—New trial for felony—Prerogative of Queen to exercise appellate jurisdiction from colonies—Cautious exercise of in criminal cases—Leave to appeal only in special cases—Evidence in criminal cases—Judge's notes.

Reg. v. Bertrand, L. R. 1 P. C. 520.

10. Criminal proceedings—Murder—New trial—Special leave to appeal against grant of.

Reg. v. Murphy, L. R. 2 P. C. 35.

11. Criminal proceedings—Appeal to Privy Council—No jurisdiction to grant new trial for felony—*Venire de novo*—Defective proceedings.

Reg. v. Murphy, L. R. 2 P. C. 535.

12. Customs Regulations Act of colony, 1845—Customs Duties Act, 1871—Omission in bill of entry—Forfeiture.

Prince v. Reg., L. R. 5 P. C. 1.

13. Debtor and creditor—Agreement to advance moneys—Sugars to be placed in lender's hands for sale on commission—Advances to be repaid out of proceeds—Insolvency of borrower—Assignment to trustees for benefit of creditors—Sugars purchased by agents of borrower—No lien on sugars for lender.

Dean v. Byrnes, 3 Moo. P. C. C., N. S., 92.

14. Dedication of land to public purposes by the Crown—Presumption from user—Crown Lands Alienation Act, 1861, ss. 3, 5—5 & 6 Vict. c. 36.

Turner v. Walsh, L. R. 6 App. 636.

15. Domicile—*Animus manendi*.

Platt v. Attorney-General of New South Wales, 47 L. J. P. C. 26.

16. Factor, advances by—Revocability of authority to sell.

De Comas v. Prost, 3 Moo. P. C. C., N. S., 158.

17. Felony, forfeiture for—Law before 4 July, 1870—Personal estate—Vested but defeasible reversionary interests—Minority of felon—Conviction in colony—Petition for payment to Crown.

In re Bateman's Trust, L. R. 15 Eq. 355.

NEW SOUTH WALES—*continued.*

18. Hand-writing, evidence of.
See *post*, 24.
19. Highway, nuisance in—Special damage—Liability of municipalities for non-repair of roads and drains—Acts No. 13 of 1858 and No. 12 of 1867.
Borough of Bathurst v. Macpherson, L. R. 4 App. 256.
20. Judicial officers—Power of Governor and Council to amove—Notice of charge, opportunity to answer—22 Geo. 3, c. 75.
Willis v. Sir Geo. Gipps, 5 Moo. P. C. C. 379.
21. Lands Act Amendment Act, 1875, s. 31—Construction of.
Robertson v. Day, L. R. 5 App. 63.
22. Land, purchase of—Adverse claim—Bond of indemnity by vendor—Possession by purchaser—Right to retain land and bond against claim.
Osborne v. Eales, 2 Moo. P. C. C., N. S., 100.
23. Crown lands—Alienation Act of 1861, s. 18—Conditional purchase by trustee—Illegal agreement.
Barton v. Muir, L. R. 6 P. C. 134.
24. Crown lands, grants of—Imperfect description—Possession by grantee for more than 30 years—Payment of quit rent—Hand-writing of deceased witness made at time of examination by Commissioners but not returned with depositions—Admissibility for comparison to prove signature of deed—Burden of proof of signature—Letter not in evidence not admissible as evidence of hand-writing.
Doe v. Wilson, 10 Moo. P. C. C. 502.
25. Crown lands—Grants to minors—Alienation Act, 1861, s. 13—"Any person" not necessarily above 21.
O'Shanassy v. Joachim, L. R. 1 App. 82.
26. Crown Lands Alienation Act, 1861, s. 13—Lands forfeited to Crown—Conditional sale of.
Blackburn v. Flavelle, L. R. 6 App. 628.
27. Crown leases—Registration of title *pendente lite*—Effect of regulations under statute—Crown lands, distribution of.
Blackwood v. London Chartered Bank of Australia, L. R. 5 P. C. 92.
28. Horse race—Deposit of stake to abide event—Jockey club rules—Finding of jury—New trial.
Dines v. Wolfe, 5 Moo. P. C. C., N. S., 382.
29. Legislation—9 Geo. 4, c. 83—Appointment of legislative Assembly

NEW SOUTH WALES—continued.

for New South Wales—Authority of Governor with their concurrence to make laws and ordinances not repugnant to laws of England—Act of New South Wales, 8 Will. 4, No. 3—Introduction of Statute of Limitations, 3 & 4 Will. 4, c. 27, into New South Wales—Demise of Crown—Effect of on authority of Governor and legislative Assembly.

Is Ireland beyond seas in reference to New South Wales?

Objection not raised in Court below not to be taken in appellate Court unless patent on face of proceedings.

Devine v. Holloway, 14 Moo. P. C. C. 290.

30. Lien—By implication of law or by express contract—Freight, lien for—Special contract for payment not freight—Lien for not supplied by Court by implication—Evidence of usage to affect written contract when admissible—*How v. Kirchner*, 11 Moo. P. C. C. 21, upheld.

Kirchner v. Venus, 12 Moo. P. C. C. 361. [See *post*, 46.]

31. Mortgagee, assignee of—Rights of—Right of mortgagor to reconveyance—Promissory notes as collateral security—Severance of debt from security.

Walker v. Jones, L. R. 1 P. C. 50.

32. Mortgage of branded sheep and cattle on run—Sheep afterwards brought on run not included.

Webster v. Power, L. R. 2 P. C. 69.

33. Mortgage, setting aside equitable—Act of New South Wales, 12 Vict. No. 1—Colonial Act 5 Vict. c. 17, s. 8—Insolvency of mortgagor—Strict proof—Costs of appeal to abide ultimate result of proceedings on remit.

Jones v. McKenzie, 13 Moo. P. C. C. 1.

34. Municipal institutions, establishment of in New South Wales—Colonial Act, 22 Vict. No. 13, ss. 1, 2—Petition to Governor to proclaim municipality—Proclamation describing district differently, incorporating other lands—Validity of.

Lapse of time for appeal—Construction of proclamation under Act as to formation of municipality—Leave—Terms of.

Graham v. Berry, 3 Moo. P. C. C., N. S., 243.

35. New trial—Principles on which granted by Appeal Court—Verdict against Judge's opinion—Costs of rule—Costs of appeal.

Humphrey v. Nowland, 15 Moo. P. C. C. 343.

36. Partnership—Purchase of share in—Agreement as to land forming partnership property—Paying off mortgage during negotiations

NEW SOUTH WALES—*continued*.

—Failure of partnership—Sale of land—Right to account of sale money—Rate of interest.

Gordon v. Scott, 12 Moo. P. C. C. 1.

37. Petition of Right—Petition to Governor—Reference by to Supreme Court—Nature of action on reference—20 Vict. No. 15¹—Invalidity of contract for reason not apparent on face of declaration—Not to be raised on application for new trial—Measure of damages—Appeal allowed without security for costs.

Robertson v. Dumaresq, 2 Moo. P. C. C. 66.

38. Pleading—Assault—Criminal information by Attorney-General against member of legislative Assembly—Within precincts of House—Contempt of Assembly—Surplusage.

Attorney-General of New South Wales v. Macpherson, L. R. 3 P. C. 268.

39. Pleading—Accord and satisfaction—Demurrer.

Barclay v. Bank of New South Wales, L. R. 5 App. 374.

40. Principal and agent—Authority of bank manager to prosecute to be proved, not presumed—Liability of bank for malicious prosecution by manager—Appealable sum includes interest adjudged on verdict.

Bank of New South Wales v. Owston, L. R. 4 App. 270.

41. Principal and agent—Liability for engagements on account of business—Assignment of property by agents in discharge of business debts—Pleading—Technical rules not to prevent justice being done—Insolvency of party to the suit—Interest in own right and also as trustee—Prosecution of appeal as trustee—Leave to appeal granted on petition, though no provision for appeal in Charter of Justice or Act of Parliament creating the Court.

Marchioness of Bute v. Mason, 7 Moo. P. C. C. 1.

42. Probate, foreign—Grant of administration with will annexed to foreign executor according to tenor under 20 & 21 Vict. c. 77, s. 73. In the goods of *Earl*, L. R. 1 P. & M. 450.

43. Scots church—Land granted to minister by colonial government—Synod—Dismissal of Minister—Refusal to recognize synod's authority—Suits to remove ministers and other trustees from trust—Interest to maintain suit—Public authority—Lapse of time—Acquiescence—Colonial synod's authority.

Lang v. Purves, 15 Moo. P. C. C. 389.

44. Sheriff—False return—Misfeasance—Damages—Liability to attachment.

Brasyer v. Maclean, L. R. 6 P. C. 398.

¹ Cp. *Re Holmes*, 2 Johns. & H. 527.

NEW SOUTH WALES—continued.

45. Ship, master of—Authority to sell cargo—Necessity for sale, inability to communicate with owners—*The Bonaparte*, 8 Moo. P. C. C. 459, and *The Cargo ex Hamburg*, 2 Moo. P. C. C., N.S., 289, followed.
Australian Steam Navigation Co. v. Morse, 8 Moo. P. C. C., N. S., 482.
46. Shipowner's lien for freight—Contract at variance with—No lien where sum claimed not properly freight—Delay in prosecuting appeal—No order on motion to dismiss for want of prosecution.
How v. Kirchner, 11 Moo. P. C. C. 21. [See *ante*, 30.]
47. Specific performance—Hardship on defendant—Damage to property—Absence of advice and assistance—Ignorance of nature and consequences—Remedy at law.
Vivers v. Tuck, 1 Moo. P. C. C., N. S., 516.
48. Statute of Frauds, 29 Car. 2, c. 3, s. 17—9 Geo. 4, c. 14, s. 7—Introduction into New South Wales by colonial Act, 4 Will. 4, No. 17—Note or memorandum of bargain—Liability of advertiser of reward for information—No name in advertisement—Judgment reversed, amendment of pleadings—New trial—Costs.
Williams v. Byrnes, 1 Moo. P. C. C., N. S., 154.
49. Statute of Limitations, 3 & 4 Will. 4, c. 27—Adoption in colony by 8 Will. 4, No. 3—Tenants at will—Heir at law beyond seas at time of accrual of right of entry—Grant of lease by lessee of tenant at will—Lessor reversioner expectant on term of years.
Hogan v. Hand, 14 Moo. P. C. C. 310.
50. Statute of Limitations, 3 & 4 Will. 4, c. 27, ss. 2, 7, 34—Act of New South Wales, No. 3 of 1837.
Day v. Day, L. R. 3 P. C. 751.
51. Wagering contract—Right to recover deposit from stakeholder—14 Vict. No. 9, s. 8—Construction—Colonial Acts in same terms as Imperial Acts—Construction.
Trimble v. Hill, L. R. 5 App. 342.
52. Water, right to use of flowing—Ownership of soil covered by water not necessary—Grant by Crown of land to R—Subsequent grant of other land to L, reserving right to resume certain quantity of water and land—Acquisition of R's land by L—Resumption by Crown—Effect on right of L to use water flowing past what was originally R's land.
Lord v. Commissioners for City of Sydney, 12 Moo. P. C. C. 473.
53. Will, construction of—Sense attached by testator to expressions of—

NEW SOUTH WALES—continued.

Legal meaning of technical expressions—Main purpose and intention of testator—Inconsistent expressions—Supplying defects.

Towns v. Wentworth, 11 Moo. P. C. C. 526.

54. Will, construction of—Proviso—"Shall be born in my lifetime" construed as words of futurity.

Gibbons v. Gibbons, L. R. 6 App. 471.

55. Will—Devise of residue of real estate—Subsequently acquired real estate—Subsequent codicil revoking previous devise and making new devise—No mention of real estate acquired between will and codicil—Intestacy as to.

Hughes v. Hosking, 11 Moo. P. C. C. 1.

QUEENSLAND.

1. Agricultural Reserves Act of 1863, s. 8—Leasing Act of 1866—Lease—Forfeiture—Waiver—Rent received under protest.

Davenport v. Reg., L. R. 3 App. 115.

2. Crown Lands Alienation Act, 1868—Grant in fee refused—False declaration by applicant for lease.

Fisher v. Tully, L. R. 3 App. 627.

3. Crown Lands Alienation Act, 1868, ss. 55, 51 (subs. 5)—Residence—Abandonment—Forfeiture—Judicial inquiry by Commissioners.

Smith v. Reg., L. R. 3 App. 614.

4. Goldfields Act, 20 Vict. c. 29—Rules of 1866—Ordinary quartz claim—Ownership of claim and incidents thereof—Discoveries of claim in "new locality."

Hollyman v. Noonan, L. R. 1 App. 595.

5. Insolvency—Certificate—Fund subsequently coming to insolvent—Payment into court of—Petition for of official assignee at Brisbane—Domicil of insolvent.

In re Davidson's Settlement Trusts, L. R. 15 Eq. 383.

6. Insolvent Act of New South Wales, 5 Vict. No. 17, s. 8—Fraudulent preference—Order in Council, 30 June, 1860, appeal to Her Majesty in Council from Queensland—Special leave to appeal from judgment appealed from to Supreme Court of New South Wales before separation.

Bank of Australasia v. Harris, 15 Moo. P. C. C. 97.

SOUTH AUSTRALIA.

1. Bailment—Sale—Difference between.

South Australian Insurance Company v. Randell, 6 Moo. P. C. C., N. S., 341.

SOUTH AUSTRALIA—*continued.*

2. Banking Co.—22 & 23 Vict. 1859, ss. 6, 7—Power to hold lands as security for debt.
National Bank of Australia v. Cherry, L. R. 3 P. C. 299.
3. Bill of exchange—Insolvency of acceptor in Australia—Right to re-exchange of holder in England.
Willans v. Ayers, 47 L. J. P. C. 1.
4. Insolvent Act of 1860, Division VI.—Assignee in bankruptcy—Transfer of shares—Option of assignee to accept or reject shares—Liability of transferor.
Levi v. Ayers, L. R. 3 App. 842.
5. Joint Stock Co.—Unpaid capital, power to mortgage.
Bank of South Australia v. Abrahams, 44 L. J. P. C. 76.
6. Land—Orders for allotment of by Government—Survey—Statutory obligation—Refunding purchase money.
Blackmore v. North Australian Co., L. R. 5 P. C. 24.
7. Leases by Governor—Not records—Cannot be quashed by *sci. fa.*—21 Vict. No. 5, s. 13—Nature of *sci. fa.*—Not issuable out of Supreme Court in S. Australia—Proper remedy information in Chancery or writ of intrusion—*Reg. v. Clarke* commented on.
Reg. v. Hughes, L. R. 1 P. C. 81.
8. Statute—Construction of—Fencing Act, No. 6 of 1865.
Brown v. McLachlan, L. R. 4 P. C. 543.
9. Statute—Construction of—Act No. 4 of 1855—6—Security for loan—Banking Co.—Charter—Principal and agent—Preferential lien on wool—Trover.
Ayers v. S. Australian Banking Co. L. R. 3 P. C. 548.

VICTORIA.

1. Bailment—Bank—Deposit by customer for safe keeping—Gratuitous bailees—Robbery by servant of—Gross negligence, what—Evidence—Nonsuit.
Giblin v. McMullen, L. R. 2 P. C. 317.
2. Banker's lien—Accounts—Interest—Securities in respect of specific sums.
London Chartered Bank of Australia v. White, L. R. 4 App. 413.
3. Bill of exchange—Transmission for presentment for acceptance—Delay of drawees—Negligence of agents in obtaining acceptance—Respectability of drawees.
Bank of Van Diemen's Land v. Bank of Victoria, 7 Moo. P. C. C., N. S., 401.

VICTORIA—*continued.*

4. Company—Directors—Irregular authority to bankers to advance money to manager—Liability.
Cherry v. Colonial Bank of Australasia, 6 Moo. P. C. C., N. S., 235.
5. Company—Incorporation of—Statute—Presumption of compliance with rules—Power of Supreme Court to issue *certiorari*—Court of Mines—Loan to joint stock company—Duty to see proceedings of company regular—Winding up registered company.
Colonial Bank of Australasia v. Willan, L. R. 5 P. C. 417.
6. Company—Shares—Invalid forfeiture—Waiver—Acquiescence.
Garden Gully United Quartz Mining Co. v. McLister, L. R. 1 App. 39.
7. Company—Power of directors to borrow and mortgage—Ratification by company of particular act of directors in excess of authority—Such ratification not extension of future authority.
Irvine v. Union Bank of Australia, L. R. 2 App. 366.
8. Costs—Bond of security for not filled in time—Objection to sureties—Leave revoked—Special leave by Judicial Committee—Security given in England—Bond in Victoria cancelled—Colonial Act, 15 Vict. c. 10.
Webster v. Power, L. R. 1 P. C. 150.
9. Equity of redemption—Suit to set aside release of by official assignee of mortgagor—Misrepresentation—*Onus probandi*—Reconveyance to mortgagor—Re-leasor and re-lessee of equity of redemption, footing of.
Melbourne Banking Corporation v. Brougham, L. R. 7 App. 307.
10. Fire insurance—Policy—Condition of avoidance—Reasonableness—Specification of stock in trade.
McEwan v. Guthridge, 13 Moo. P. C. C. 304.
11. Foreign attachment—Garnishee parting with property.
Wilson v. Trail, L. R. 3 P. C. 33.
12. Fraud, contracts obtained by—Voidable, not void.
Urquhart v. Macpherson, L. R. 3 App. 831.
13. Insolvency statute of Victoria, 1865, s. 27—Official assignee, powers of—Release of equity of redemption to mortgagee—Corporation bound by agreement not under seal acted upon.
Melbourne Banking Corporation v. Brougham, L. R. 4 App. 156.
14. Insolvency—Joint debt—Separate security—5 Vict. No. 17.
Bank of Australasia v. Flower, 35 L. J. P. C. 13.

VICTORIA—*continued.*

15. Joint Stock Company—Agreement by majority of shareholders—
Power to bind dissenting shareholders.
Smith v. Bank of Victoria, 41 L. J. P. C. 34.
16. *Jury de medietate linguæ*—Right of challenge.
Levinger v. Reg. L. R. 3 P. C. 282.
17. Land—54 Geo. 3, c. 15, s. 4—Real estates liable for simple contract
debts—Liability enforced against owner of the property—Executor
—*F. fa.* against—Sheriff cannot sell testator's land—Colonial
Registration Act, 5 Vict. No. 21, s. 11—Priority—Valuable con-
sideration.
Bullen v. A'Beckett, 1 Moo. P. C. C., N. S., 223.
18. Land Acts—Land Act, 1869, s. 98—Certificate of Board of Land and
Works.
Winter v. Attorney-General of Victoria, L. R. 6 P. C. 378.
19. Land Acts—Crown remedies and liability statute, 1865—Forfeiture
of lease—Waiver—Land Act, 1869, s. 101—Contract with Her
Majesty.
Attorney-General of Victoria v. Ettershank, L. R. 6 P. C. 354.
20. Land Acts—Notice of forfeiture—Land Act, 1869, s. 101.
Attorney-General of Victoria v. Glass, L. R. 6 P. C. 375.
21. Lands—Colonial Acts, 24 Vict. No. 117, 25 Vict. No. 145—Con-
struction—Sale and occupation of Crown lands—Licence to occupy
for year, subject to right of Crown to sell or proclaim without
compensation—Tenancy from year to year—Indefeasible title of
Crown.
Reg. v. Dallimore, L. R. 1 P. C. 13.
22. Lands, transfer of—Statute—Registration of purchase from judgment
debtor—*Alias writ of f. fa.*
Registrar of Titles v. Paterson, L. R. 2 App. 110.
23. Lands—Waste lands—Grant by Crown—5 & 6 Vict. c. 36—Rights
of Crown in gold and silver found under the soil.
Woolley v. Attorney-General of Victoria, L. R. 2 App. 163.
24. Legislature—Breach of privilege—18 & 19 Vict. c. 55—Colonial
Act, 20 Vict. No. 1.—Power to commit for contempt by general
warrant—Special leave to appeal—Question of public interest—
Constitutional rights of Colonial Legislative Assembly—No
costs.
Speaker of Legislative Assembly of Victoria v. Glass, L. R.
3 P. C. 560.
25. Legislative Council and Assembly—Power to commit for contempt—

VICTORIA—*continued.*

Statutory assumption of rights and privileges of English House of Commons.

Dill v. Murphy, 1 Moo. P. C. C., N. S., 487.

26. Married woman—Settlement for separate use for life, remainder as she should by deed or will appoint, in default of appointment remainder to executors or administrators—*Johnson v. Gallagher*, 3 De G. F. & J. 494, approved.

London Chartered Bank of Australia v. Lemprière, 9 Moo. P. C. C., N. S., 426.

27. Master in Equity—Claim of probate duty—*Mandamus*—Construction of will—Vested interest—Act No. 388, s. 24.

Armstrong v. Wilkinson, L. R. 3 App. 355.

28. Mining rights—Occupation under Crown lease—Evidence of abandonment—Court of Mines, constitution and powers of—Mining Act, 1865, No. 291, s. 193.

Walkalla Gold Mining Co. v. Mulcahy, 40 L. J. P. C. 41.

29. Mortgagor and mortgagee—Decree for redemption where bill impeached mortgage and did not pray to redeem—Liability of mortgagee in possession—Costs—Registration—Victoria Transfer of Land Statute, ss. 83, *seqq.*

National Bank of Australasia v. United Bank in Hand, &c. Co., L. R. 4 App. 391.

30. Negligence—Carriage accident—Gratuitous service—*Scott v. London Docks Co.* distinguished.

Moffat v. Bateman, 6 Moo. P. C. C., N. S., 369.

31. Partnership—Adoption of old firm's liabilities by new firm—Acceptance of new firm's liabilities—Discharge of old firm—5 Vict. No. 17, s. 39—Deducting value of security from debt—Joint and separate estate of insolvent—English law of bankruptcy as to.

Rolfe v. Flower, L. R. 1 P. C. 27.

32. Penal servitude—Colonial Court—Admiralty Jurisdiction, 12 & 13 Vict. c. 96—*Habeas corpus*, 16 & 17 Vict. c. 99, s. 6—Abolition of transportation, 20 & 21 Vict. c. 3—Applicability to colonies—Combined effect of Imperial and Colonial legislation.

Reg. v. Mount, L. R. 6 P. C. 283.

33. Petition of Right—Actions in nature of, 28 Vict. No. 241—Judgments against Crown—Appealable value—Leave to appeal upon terms—Leave given by Judicial Committee without terms—Appeals consolidated.

In re Attorney-General for Victoria, 3 Moo. P. C. C., N. S., 527.

VICTORIA—*continued.*

34. Rateability—Exemption of Crown property—Victoria Local Government Act, 1874, s. 253—Race-course—Victoria Racing Club Act, 1871—Exemption of race-course.
Mayor of Essenden v. Blackwood, L. R. 2 App. 574.
35. Sale of goods—Unpaid vendor—Lien of—Constructive delivery.
Grice v. Richardson, 47 L. J. P. C. 48.
36. Succession duty—Victoria Act, No. 388.
Bell v. Master in Equity of Supreme Court of Victoria, L. R. 2 App. 560.
37. Surety, action against—Balance of purchase-money of station sold by plaintiff to defendant's principal—Award of compensation to principal in abatement of price—Pleading—Principal not necessary party.
Murphy v. Glass, 6 Moo. P. C. C., N. S., 1.
38. Trade—Agreements in restraint of—Reasonableness—Arbitration clause—Award not condition precedent to right of action.
Collins v. Locke, L. R. 4 App. 674.
39. Will—Devise to trustees—Power to devise without fine or premiums—Power to appoint new trustees—Appointment of sole trustee—Conveyance of devised lands—Lease by sole trustee—Payment of rent in advance—Notice of will to lessee—Setting aside lease.
Booth v. A'Beckett, 1 Moo. P. C. C., N. S., 201.

WEST AUSTRALIA.

- Conflict of laws—Liability of foreign corporation—*Lex loci contractus*.
Bateman v. Service, L. R. 6 App. 386.

VAN DIEMEN'S LAND.

1. Judge—Power of Governor and Council under 22 Geo. 3, c. 75, to remove from office for misbehaviour or neglect of duty—Facts justifying exercise of power—Order upon judge to show cause against suspension.
Montagu v. Lieutenant-Governor and Executive Council of Van Diemen's Land, 6 Moo. P. C. C. 489.
2. Legislative Assembly—*Lex et consuetudo parliamenti* not conferred on by introduction of English common law—No distinction on this point between colonial legislative councils and assemblies whose power derived by grant from Crown, and those created under Act, of Imperial Parliament—*Kielley v. Carson*, 4 Moo. P. C. C. 63, upheld.
Fenton v. Hampton, 11 Moo. P. C. C. 347.

NEW ZEALAND.

1. Bankruptcy—English Act, 12 & 13 Vict. c. 106, does not extend to New Zealand—Appeal from refusal of Supreme Court to entertain question as to validity of English bankruptcy—Direction for appeal to stand over for appellant to petition Lords Justices to annul bankruptcy—Remaining abroad—Continuing act of bankruptcy—Poverty of appellant—Security for costs remitted.
Bunny v. Hart, 11 Moo. P. C. C. 189.
2. Mortgagor and mortgagee—Settled account re-opened—Compound interest charged by mistake—Mutual mistake of law.
Daniell v. Sinclair, L. R. 6 App. 181.
3. Waste lands—Authority of Governor to grant—Ordinance of Sess. 1, No. 2, of 1841—Excess in grant.
Reg. v. Clarke, 7 Moo. P. C. C. 77.
4. Waste lands—Goldfields Act, 1866, s. 16—Cancelling lease on discovery of gold.
Maclean v. MacAndrew, 43 L. J. P. C. 69.
5. Waste lands—Southland Act, 1865—Statutory contract—Date when price fixed—Application for grant—Making of grant.
Bell v. Receiver of land revenues of Southland, L. R. 1 App. 707; 45 L. J. P. C. 47.
6. Waste lands—Southland Acts, 1865, 1867—Construction—Rights of purchase—Jurisdiction of Commissioners.
Pearson v. Spence, L. R. 5 App. 70.
7. Will—Construction of—Amendment of probate refused—"From and after the decease of my wife"—Time of vesting—Portion of will introduced through fraud or inadvertence—Effect of.
Rhodes v. Rhodes, L. R. 7 App. 192.

CANADA.

1. Accounts, order of reference to take—3 & 4 Will. 4, c. 41, s. 17—Dissent of counsel.
Hutchinson v. Gillespie, 2 Moo. P. C. C. 243.
2. Alien—Status of, how determined—Prerogative of Crown as to—Law of colony—*Droit d'aubaine* by old French law established in Canada by 14 Geo. 3, c. 83—Alteration of rights between the parties—Provincial law—Not noticed by Judicial Committee if not on the record.
Donegani v. Donegani, 3 Knapp, 63.

CANADA—continued.

3. Attorney acting as such in own case—Costs on judgment in his favour—Old French law.
Gugy v. Brown, L. R. 1 P. C. 411.
4. Appropriation of payments—Rescission of by consent of all parties—Pleadings—Civil Code.
Kershaw v. Kirkpatrick, L. R. 3 App. 345.
5. Bankrupt—Canadian Ordinance, 2 Vict. c. 36, s. 5—Debts provable—Interest of bankrupt—Admission of evidence of—Verbal agreement qualifying written contract.
Pollok v. Bradbury, 8 Moo. P. C. C. 227.
6. Bill of lading, construction of—*Lex loci contractus*—Shipper, liability of.
Moore v. Harris, 45 L. J. P. C. 55.
7. Burial, ecclesiastical—*Status* of Roman Catholic Church in Lower Canada—*Mandamus*—*Recusatio judicis*.
Brown v. Curé de Montréal, L. R. 6 P. C. 157.
8. Builder, liability of—Civil Code, art. 1688—*Vice du sol*—Defective foundations.
Wardle v. Bethune, L. R. 4 P. C. 33.
9. *Certiorari* from Supreme Court to Queen's Bench—No appeal—Consolidated Statutes, ch. 88, s. 17; ch. 77, s. 23.
Boston v. Lelièvre, L. R. 3 P. C. 157.
10. Compensation—Alimentary allowance—No distinction between law and equity—*Rapport* or return.
Muir v. Muir, L. R. 5 P. C. 66.
11. Compensation—Debtor and creditor—Canadian Act, 14 & 15 Vict. c. 51—Set-off—Civil Code of Lower Canada, art. 1187, tit. Obligations, s. v., art. 1188.
Ryland v. Delisle, L. R. 3 P. C. 17.
12. Contempt of Court—Letter reflecting on judge—Consolidated Statutes, c. 77, s. 77—No authority in judge of Queen's Bench sitting alone in exercise of criminal jurisdiction to pronounce counsel in contempt for publishing letters reflecting on his conduct, or to impose a fine—Writ of error—Appeal—Reference by Crown under 3 & 4 Will. 4, c. 41, s. 4—Attachment of counsel.
In re Ramsay, L. R. 3 P. C. 427.
13. Contract—Construction of—"Say about"—Words of expectancy and estimate—Estoppel by pleadings.
MacConnell v. Murphy, L. R. 5 P. C. 203.
14. Construction of writing—Peculiar sense of term—Evidence—

CANADA—*continued.*

- "Premises"—Fire insurance on ship—Condition as to gunpowder "on premises."
Beacon Life and Fire Insurance Co. v. Gibb, 1 Moo. P. C. C., N. S., 73.
15. Crown, prerogative of to admit appeals—Power of Dominion and Provincial legislatures—British North America Act, 1867, ss. 91, 92—Canadian Act, 40 Vict. c. 41, s. 28—"Final"—Delivery necessary to pass property—Civil Code, art. 1472.
Cushing v. Dupuy, L. R. 5 App. 409.
16. Debtor and creditor—*Tierssaisis*, garnishees—Transferee of debtor and transferor of garnishees necessary party—Liability of garnishees.
Macfarlane v. Leclaire, 1 Moo. P. C. C., N. S., 1.
17. Donations—Revocability of gifts *pur la survivance d'enfants du donateur*—Ordinance of 1731—French law previously existing in Canada unaffected.
Symes v. Cuvillier, L. R. 5 App. 138.
18. Elections—Controverted Elections Act, 1875—Judgment avoiding election—Royal prerogative as to admitting appeal.
Théberge v. Laudry, L. R. 2 App. 102.
19. Election petitions—British North America Act, 1867, s. 92, sub-s. 14—Canada Statute, 37 Vict. c. 10—Distribution of legislative power—Jurisdiction of Supreme Court—Special leave to appeal refused because no substantial question, nor doubt of soundness of decisions, nor apprehension of difficulty or disturbance from decisions.
Valin v. Langlois, L. R. 5 App. 115.
20. Evidence—Canadian Act, 25 Geo. 3, c. 2, regulating proceedings in courts of justice—Proof of facts concerning commercial matters to be governed by English law—Old French revoked—Statute of Frauds—Parol contract.
McKay v. Rutherford, 6 Moo. P. C. C. 413.
21. Evidence—Notary public—French law in Lower Canada—English law in Upper Canada.
Nye v. Macdonald, L. R. 3 P. C. 331.
22. Expropriation—Report of Commissioners of—Canadian Act, 27 & 28 Vict. c. 60—Order to remove by Supreme Court—Right of appeal to Queen's Bench—Code of Civil Procedure, art. 1115.
Mayor, &c., of Montreal v. Brown, L. R. 2 App. 168.
23. Expropriation—Report of Commissioners of not final—27 & 28 Vict. c. 60—35 Vict. c. 32, s. 7—Action to augment indemnity—Burden of proof.
Morrison v. Mayor, &c., of Montreal, L. R. 3 App. 148.

CANADA—continued.

24. Expropriation—Apportionment of indemnity—27 & 28 Vict. c. 60—
29 & 30 Vict. c. 56, s. 12.
Mayor, &c., of Montreal v. Stephens, L. R. 3 App. 605.
25. Expropriation—Closing one end of street—Interference with rights
of owners of houses adjoining—Action of indemnity—Compensation—Civil Code, art. 407—Canadian Act, 27 & 28 Vict. c. 60.
Mayor, &c., of Montreal v. Drummond, L. R. 1 App. 384.
26. Fraud—Instrument for purpose fraudulent as to third party—
Binding between parties—Construction of mortgage—Sale with
conditional right of re-purchase.
Shaw v. Jeffery, 13 Moo. P. C. C. 432.
27. Felony—Depositions on oath before trial—Admissibility against
deponent on criminal charge—Answers compelled—New trial—
Canadian Statute, 32 & 33 Vict. c. 80—Special leave to appeal
from judgment in a case reserved on trial for felony.
Reg. v. Coote, L. R. 4 P. C. 599.
28. Fendal tenures in Lower Canada—Feudal rights of seigneur extin-
guished in lands acquired by the Crown—Indemnity payable to
the seigneur.
Les Sœurs Dames Hospitalières, &c., v. Middlemiss, L. R.
3 App. 1102.
29. Fire insurance—Destruction of church by fire—Transfer to insurers
of right to sue and claim for damage—Subrogation of debt—
French law.
Quebec Fire Insurance Co. v. St. Louis, 7 Moo. P. C. C. 286.
30. Insurance company—Canadian Ordinance, 4 Vict. c. 37—6 Vict.
c. 22, s. 4—Subscription of policies—Seal of Corporation—Powers
of manager—*Ultra vires*.
Montreal Assurance Co. v. McGillivray, 13 Moo. P. C. C. 87.
31. Fire insurance—Steamer—Warranty to navigate—Destruction in
dock—Form and practice of colonial Courts—Indisposition to
interfere with—Motion for verdict *non obstante*.
Grant v. Aetna Insurance Co., 15 Moo. P. C. C. 516.
32. Gift *inter vivos*—Law of substitution—*Héritiers*, extension of mean-
ing of—*Droit de retour*.
Herse v. Dufaux, L. R. 4 P. C. 468.
33. Income-tax—Leviable on balance of gain over loss—New Brunswick
—31 Vict. c. 36, s. 4.
Lawless v. Sullivan, L. R. 6 App. 373; 50 L. J. P. C. 33.

CANADA—*continued*.

34. Justice of District Court, removal of to another District Court—Grant of precedence over other judges of the Court.
In re Justice Elzéar Bedard, 7 Moo. P. C. C. 23.
35. Law Reform Act (Ontario)—38 Vict. c. 11 (Canada), s. 22—Jurisdiction of Queen's Bench and Supreme Court—Rule to set aside verdict—Misdirection—New trial.
Connecticut, &c., Co., v. Moore, L. R. 6 App. 644.
36. Land—Contract for grant of to A. from government—Part payment—Assignment of interest to B., a creditor, in consideration of £100—Possession taken by B., and grant obtained with privity of A.—A. bankrupt, B. his assignee—Death of B.—New assignee to A.—Bill against B.'s devisee for redemption, on ground that original transaction a mortgage dismissed.
Holmes v. Mathews, 9 Moo. P. C. C. 413.
37. Land—Tenant in possession of—Same right to enforce equities against purchaser as against vendor—Interest under collateral agreements—Possession amounts to notice of tenant's interest—*Semble*, endorsement on deed of receipt of consideration money acknowledged in body of deed not customary in Canada.
Barnhart v. Greenshields, 9 Moo. P. C. C. 18.
38. Lands, taking of for public improvements—Canadian Act, 14 & 15 Vict. c. 128, ss. 66, 68—Corporation of Montreal—Settlement of value—Evidence of experts—Swearing witnesses by justices—Waiver of right to complain of illegal jurisdiction.
Beaudry v. Mayor, &c. of Montreal, 11 Moo. P. C. C. 399.
See post, 57.
39. Legislative power—Act of Legislature of Quebec, 33 Vict. c. 58—British North America Act, 1867, ss. 91, 92.
L'Union S. Jacques de Montréal v. Bélisle, L. R. 6 P. C. 31.
40. Legislation—British North America Act, 1867, ss. 91, 92—Reading and interpretation of—Distribution of legislative power—"Property and civil rights"—"Regulation of trade and commerce"—Validity of Ontario Act, 39 Vict. c. 24, as to fire insurance in the province—Consistency of with Dominion Act, 38 Vict. c. 20, as to licensing insurance companies—Prevalence of statutory conditions over conditions sought to be imposed by insurance companies—*Interim* note not a policy—Interpretation of.
Citizens Insurance Co. of Canada v. Parsons; Queen Insurance Co. v. Parsons; L. R. 7 App. 96.
41. Legislation—British North America Act, 1867, ss. 91, 92, 129—Canada Act, 22 Vict. c. 66—Inability of legislature of Ontario or Quebec or of both to repeal or modify—Invalidity of Quebec

CANADA—*continued*.

Act, 38 Vict. c. 64—Right to sue for a declaration of—Effect of resolution of Church Synod.

Dobie v. Temporalities Board, L. R. 7 App. 136.

42. Marine insurance—Voyage policy—Warrants of seaworthiness—Different stages of—*Weir v. Aberdeen*, 2 B. & Ald. 320, discussed.
Quebec Marine Insurance Co. v. Commercial Bank of Canada, 7 Moo. P. C. C., N. S., 1.

43. Marine Insurance—Loss by peril not insured against—Notice of abandonment, acceptance of by conduct—Civil Code, arts. 2544, 2545, 2547.

Provincial Insurance Co. v. Leduc, 43 L. J. P. C. 49.

44. Mortgagor and mortgagee—Rights of before Canada Act, 7 W. 4, c. 2—Rights since—Discretion given to Court to allow redemption.
Smyth v. Simpson, 7 Moo. P. C. C. 205.

Mortmain—Warranty—Vendor of land.

Chaudière Gold Mining Co. v. Desbarats, L. R. 5 P. C. 277.

45. Marriage—Nullity of—Ordonnance of Louis XIII. 26 Nov. 1639, art. 6—Strict interpretation of—Evidence of contracting capacity.
Scott v. Paquet, L. R. 1 P. C. 552.

46. Marriage contract—Community of property—*Reprise*—Wife's consent to husband's hypothecation—Notarial Act—Formalities of execution.

Hamel v. Panet, L. R. 2 App. 121.

47. Negotiable instrument—Civil Code of Lower Canada, art. 2349—Essentials to gift—Civil Code, art. 776—*Possession vaut titre*—Possession by agent of bank—Certificate producible when interest paid—Communication of reasons of judge below.

Richer v. Voyer, L. R. 5 P. C. 461.

48. Negotiable instrument—Promissory notes—Transfer of on account of creditor—*En déconfiture*—*Saisie arrêt* issued by other creditors—Attachment of notes—Validity of transfer.

Hutchinson v. Gillespie, 4 Moo. P. C. C. 378.

49. New trial—Damages—Misdirection—Negligence—Civil Procedure Code, s. 426, sub-s. 11.

Lambkin v. S. E. Rail. Co., L. R. 5 App. 352.

50. *Nouvel œuvre*, *action en dénonciation de*—Only during progress of work—Old French law—Right of public offices to sue on behalf of public for demolition of work erected on public domain without licence—Actual damage not necessary—Judgments of dissent-

CANADA—*continued.*

- ing judges written after judgment delivered and sent to England for appeal—Condemnation of such course.
Brown v. Gagy, 2 Moo. P. C. C., N. S. 341. *Vide post*, 65.
51. Parish fabrique—Rights of parishioners—Power of Marguilliers—Competency to bring or authorise action.
Curé de Verchères v. Corporation of Verchères, L. R. 6 P. C. 330.
52. Pilotage, compulsory—Canadian statutes, 27 & 28 Vict. c. 13, s. 14; 27 & 28 Vict. c. 58, s. 9; to be read together—Exoneration of owner of vessel—Enactment of penalty, effect of.
Redpath v. Allan, The Hibernian, L. R. 4 P. C. 511.
53. Pledge of goods in bond for advances—Customs to hold for pledgees—*Fi. fa.* against goods by judgment creditor of borrowers—Constructive delivery to pledgees.
Young v. Lambert, 6 Moo. P. C. C., N. S., 406.
54. Possessory action—Nature of possession required to maintain—Code of Civil Procedure (Lower Canada) ss. 946, 947, 948, 52.
De Gaspé v. Bessener, L. R. 4 App. 135.
55. Practice—Code of Civil Procedure, arts. 1178, 798, 801—Interlocutory judgment—Right of appeal.
Goldring v. La Banque D'Hochelaga, L. R. 5 App. 371.
56. Prescription—Evidence of—*Action en bornage*—Boundary line—Construction of deeds and evidence—Mention of quantity in deed—Not ascertained piece accurately described containing so much "or thereabouts."
Herrick v. Sizby, L. R. 1 P. C. 436.
57. Prescription—Action by seigneur—Title—Possession—6 Geo. 4, c. 59—Surrender to and regrant *uno flatu* by the Crown—Ancient French law—Adverse possession enuring in favour of party deriving through predecessor in possession—Transfer how evidenced.
Macdonald v. Lambe, L. R. 1 P. C. 539.
58. Principal and agent—Marine insurance by agent—Right of undisclosed principal to sue in own name.
Browning v. Provincial Insurance Co. of Canada, L. R. 5 P. C. 263.
59. Principal and agent—Bank manager—Misapplication of funds—Ordinary course of bank business—Negligence.
Bank of Upper Canada v. Bradshaw, L. R. 1 P. C. 479.
60. Principal and Surety—English and Canadian law identical—*Acts de*

CANADA—continued.

cautionnement—Special recitals followed by general operative words—Generality not controlled.

Bank of British North America v. Cuvillier, 14 Moo. P. C. C. 187.

61. Principal and surety—Prolongation of time—Discharge of surety—Old French law—Bill of exchange—Nature of by French law.

Bellingham v. Freer, 1 Moo. P. C. C. 333.

62. Power of sale by usufructuary—Formalities—Construction—Condition annexed by Court on unnecessary application for authority to sell land.

Leclère v. Beaudry, L. R. 5 P. C. 362.

63. Power of one party to another in writing—Necessary execution of by deputy—Authority of agent to appoint deputy.

Quebec, &c., Rail. Co. v. Quinn, 12 Moo. P. C. C. 232.

64. Railway Act, 1868—Validity of award—Compensation—Invalid transfer by railway company—Quebec Act, 39 Vict. c. 2—Power of provincial legislature.

Burgoin v. Compagnie du Chemin de Fer de Montréal, &c., L. R. 5 App. 381.

65. Railway Company—Railway Act, 14 & 15 Vict. c. 51—Consolidated Statutes of Canada, 22 Vict. c. 66—Notice—Compensation—*Action en dénonciation de nouvel œuvre*.

Jones v. Stanstead, &c., Railway Co., L. R. 4 P. C. 98,
Vide ante, 50.

66. Railway Company—Advances to for completion of connected railway in United States of America—*Ultra vires*.

Commercial Bank of Canada v. G. W. R. Co. of Canada,
3 Moo. P. C. C., N. S., 295.

67. Railway—Construction of—Embankment giving way—Presumption of its insufficiency—Absence of rebutting evidence—Non-direction of jury by Judge—Ground for new trial when—Rule as to precaution in permanent works against extraordinary external violence—Canadian Act, 22 Vict. c. 13, s. 57—Appealable value—Adding costs to bring case within.

G. W. Railway of Canada v. Braid } 1 Moo. P. C. C., N. S.,
Ditto ditto v. Fawcett } 101.

68. *Res judicata*—“*Transaction*”—Specific performance—Powers of *avoué*.

King v. Pinsonneault, L. R. 6 P. C. 245.

CANADA—*continued*.

69. Sale of timber in possession of guardian or garnishee—Contract for
—Construction of.
Maclaren v. Murphy, Connolly v. Maclaren, L. R. 4 P. C. 262.
70. Sale of timber—Delivery prevented by storm—Action to recover
purchase-moneys, loss by repurchase, and damages for breach of
contract, held maintainable—Completion of sale—Transfer of
property—Risk—Effect of taking possession of part after day
named for delivery of whole, and at different place—Old French
Law.
Logan v. Le Mesurier, 6 Moo. P. C. C. 116.
71. Sale of specific goods—Vesting of property—Seller's right to price
—Non-vesting till something done by seller, or waived—Law of
England and Canada alike.
Gilmour v. Supple, 11 Moo. P. C. C. 551.
72. Sale of goods by weight or measure—Acts remaining to be done—
Identity of Old French and English laws as to measure of
damages—Power to reject or modify pleadings—Election by
plaintiff of form of action.
Bonwell v. Kilborn, 15 Moo. P. C. C. 309.
73. Satisfaction—Promise to pay sum to plaintiff if she married prom-
iser's adopted son—Non-claim during promiser's life—Provision
by promiser *inter vivos* for plaintiff, his son, and their family
—Evidence of cousins-german to party — Admissibility of,
Quære—Practice—Transmission on petition of originals of docu-
ments to compare handwriting.
McCarthy v. Judah, 12 Moo. P. C. C. 47.
74. Servitude, real—Civil Code, arts. 499, 553, 554—Obligation to allow
and repair a road—Prescription.
Dorion v. Les Ecclésiastiques, &c., L. R. 5 App. 362.
75. Sheriff, clerk of—Action by sheriff against clerk's representatives
for account—Held not to lie—Abatement of appeal on death of
respondent, and renunciation of succession by heirs—Curator—
Appeal revised against.
Ermatinger v. Gogy, 5 Moo. P. C. C. 1.
76. Specific performance of agreement for a lease—Nonfulfilment of
engagements.
Counter v. Macpherson, 5 Moo. P. C. C. 83.
77. Special verdict of jury, what—Sufficiency of proof of negligence
more than a year before cause of action.
Tobin v. Murison, 5 Moo. P. C. C. 110.

CANADA—continued.

78. Ship—Compulsory pilotage—Exemption from responsibility while in charge of pilot—Canadian statutes, 27 & 28 Vict. c. 13, s. 14; c. 58, s. 9—Enactment of penalty, effect of.
Redpath v. Allan, The Hibernian, L. R. 4 P. C. 511.
79. Ship, contract to build—Mercantile house at N directs house at Q to make—N house to send rigging—Contract entered into—N house direct correspondent at L to send rigging—Rigging sent—Delivered to Q house—Property vested in N house—Right of Q house to retain against L correspondent for lien for advances to builders, &c., though before delivery they had obtained assignment of ship from builders to themselves, and registered in name of one of their partners.
Rogerson v. Reid, 1 Knapp, 362.
80. Trustee—Canadian Act, 13 & 14 Vict. c. 84—Toronto, Simcoe, and Lake Huron Railway—Issue of debentures by Corporation of City of Toronto—Mayor and co-partner making profit of debentures—Trustee for Corporation—Objection for want of parties not taken below—Suit not defective of appeal.
Bowes v. City of Toronto, 11 Moo. P. C. C. 463.
81. "Transaction"—Consideration—Mistake in law—Deceit—Mistake of fact—Old French Law.
Trigge v. Lavallée, 15 Moo. P. C. C. 270.
82. Tutor—Power by old French law to alienate ward's property—Inventory—Administrative care in protection and management—No sale of immovable or mixed property without sanction of court—Nor of moveables with certain exceptions—Bank shares not within the exceptions.
Bank of Montreal v. Simpson, 14 Moo. P. C. C. 417.
83. Tutor and minor—Extinguishment of claims by release or conduct operating as release—Assignment by minor to tutor—Lapse of years—Dealing amounting to release of claims after majority—Death of tutor—Practice—Documents improperly included in transcript—Non-objection to—Attempt to take advantage of on appeal—Refusal to rehear appeal.
Motz v. Moreau, 13 Moo. P. C. C. 376.
84. Usury laws—Loan—Retention of bonus or premium—Agent of lender—Old French law—Civil Code, arts. 1570, 1485—17 Geo. 3, c. 3, s. 5—16 Vict. c. 80.
Kierzkowski v. Dorion, L. R. 2 P. C. 291.
85. Water—Riparian proprietors—French law in Quebec—*Droit*

CANADA—*continued.*

d'accès et de sortie—Navigable rivers—Obstruction to navigation—Damage.

Bell v. Corporation of Quebec, L. R. 5 App. 84.

86. Water—Rights of riparian owner to use of flowing past his land—Rights of owner above and below—Identity of laws of England and Lower Canada on these points.

Miner v. Gilmour, 12 Moo. P. C. C. 131.

87. Water—Rights of seigneur to water of unnavigable river—Right of co-seigneur to divert for his exclusive use.

S. Louis v. S. Louis, 3 Moo. P. C. C. 398.

88. Will—Adulterine bastards—Limitation by way of substitution—Time when capacity of substitute determined.

King v. Tunstall, L. R. 6 P. C. 55.

89. Wills before Civil Code—Imperfect testamentary paper—Probate—Competency of heir to impugn will—Introduction of English law by 14 Geo. 3, c. 83, s. 10—Nuncupative wills—Oral evidence.

Migneault v. Malo, L. R. 4 P. C. 123.

90. Will—Execution—*Coutume de Paris*—Notary.

Evanturel v. Evanturel, L. R. 2 P. C. 462.

91. Will—Forfeiture clause in case of litigation—*Jugement définitif*—Civil Code, Arts. 760, 831 — Penal clause only practically effectual where will unsuccessfully contested.

Evanturel v. Evanturel, L. R. 6 P. C. 1.

92. Will—Gift to trustees for Corporation thereafter to be formed—Civil Code, Arts. 869, 366, 836, 838—Devise, not to trustees with power of perpetual succession, but to trustees directed to convey to Corporation lawfully created with power to possess—Lapse of gift—Mortmain—Gift on implied condition, fulfilment of which renders it lawful.

Abbott v. Fraser, L. R. 6 P. C. 96.

93. Will—Legacy by privilege of *hypothèque* by ante-nuptial contract—Produce of sale under execution of husband's real estate in hands of sheriff—Husband sole executor and residuary legatee of wife—Property included in marriage contract—Priority.

Smith v. Brown, 2 Moo. P. C. C. 35.

94. Will of married woman in English—"Children"—Not construed as "enfants" to include grandchild.

Martin v. Lee, 14 Moo. P. C. C. 142.

95. Will—Quebec Act—Power to devise or bequeath by will executed

CANADA—continued.

either according to Canadian or English law—Will invalid by French law, not executed according to Statute of Frauds so as to pass freeholds in England, not valid to pass lands in Canada, though good to pass copyhold and leasehold in England.

Meiklejohn v. Attorney-General and Caldwell, 2 Knapp, 328.

96. Will—Restraint on alienation—Seizure in execution—Invalidity of restriction.

Renaud v. Tourangeau, L. R. 2 P. C. 4.

NEWFOUNDLAND.

1. Fishery—Statutes for regulating—Claim of Crown to ground formerly used as ship's room—Bar against if land not so used—No objection on appeal that defendant's title not specially pleaded to information for intrusion below.

Attorney-General of Newfoundland v. Cuddihy, 1 Moo. P. C. C. 82.

2. Land—Unoccupied at passing of 5 Geo. 4, c. 51—Occupied and enclosed before grant—Grantable as waste land under s. 15.

Attorney-General of Newfoundland v. Ryan, 1 Moo. P. C. C. 87.

3. Legislature—35 & 36 Vict. c. 45—Territorial dominion—Bays—Injunction—Exclusive use of territory for telegraphic communication—Act of Newfoundland, 17 Vict. c. 2.

Direct U. S. Cable Co. v. Anglo-American Telegraph Co., L. R. 2 App. 394.

4. Legislature—House of Assembly—Power of arrest—Contempt committed out of the House.

Semble.—The House of Commons possesses this power only by virtue of ancient usage and prescription, the *lex et consuetudo parliamenti*.

Semble.—The Crown by its prerogative can create a legislative Assembly in a settled colony subordinate to Parliament, but with supreme power within the limits of the colony for the government of its inhabitants; but

Quere, whether it can bestow upon it an authority, viz. that of committing for contempt, not incidental to it by law.

The principles of *Beaumont v. Barrett*, 1 Moo. P. C. C. 59, and *Burdett v. Abbott*, 14 East, 137, examined.

Kielley v. Carson, 4 Moo. P. C. C. 63.

5. Striking off rolls—Order *nisi* for striking attorney and practitioner off rolls unless cause shown in four days—Absolute notwithstanding

NEWFOUNDLAND—*continued*.

standing application to enlarge time to prepare defence—Reversed by Judicial Committee as irregularly and improperly made.

Emerson v. Judges of Supreme Court of Newfoundland,
8 Moo. P. C. C. 157.

NOVA SCOTIA.

1. Attorney and barrister of Supreme Court—Order suspending from practising for having addressed a letter to the Chief Justice reflecting on the judge and the administration of justice generally—Discharged by the Judicial Committee, as substituting a penalty and mode of punishment not the appropriate and fitting punishment for the offence—Letter written by a practitioner in his individual and private character as a suitor, in respect of a supposed grievance as suitor, of an injury done to him as such suitor, and having no connection whatever with his professional character, or anything done by him professionally, either as an attorney or barrister—Only customary punishment for contempt of Court allowable—Professional punishment of indefinite suspension for an act not done professionally, and not *per se* rendering the party committing it unfit to remain a practitioner of the Court, not permissible.

In re Wallace, L. R. 1 P. C. 283.

2. Foreclosure suit—Amendment of pleadings—Nova Scotia Revised Statutes, pt. 3, ch. 134, tit. 36, ss. 62, 63.

Wallace v. McSweeney, L. R. 2 P. C. 180.

3. Legislation—British North America Act, 1867, s. 108—Passing of Nova Scotia railways to and vesting of in Dominion of Canada—Obligation under Nova Scotia Act, 30 Vict. c. 36—Power of Dominion Parliament—Construction of Dominion Act, 37 Vict. c. 16.

Western Counties Rail. Co. v. Windsor and Annapolis Rail. Co. L. R. 7 App. 178.

4. Libel—Demand under Canadian Insolvent Act, 1869—Writ of *capias*—Malicious prosecution—Misdirection—Privileged communication—Legal proceeding.

Bank of British N. America v. Strong, L. R. 1 App. 307.

NEW BRUNSWICK.

1. Legislative power, distribution of—British North America Act, 1867, s. 92, art. 2—Provincial Act, 33 Vict. c. 47.

Dow v. Black, L. R. 6 P. C. 272.

NEW BRUNSWICK—continued.

2. Principal and agent—Misrepresentation by agent—No express command or privity of principal—Liability of principal—Principal a company.
Mackay v. Commercial Bank of New Brunswick, L. R. 5 P. C. 394 ; 43 L. J. P. C. 31.
3. Railroad, contract to make—Breach—Jurisdiction at law or in equity—Enquiry as to damages.
S. Andrews and Quebec Rail. Co. v. Brookfield, 13 Moo. P. C. C. 510.
4. Railway Company holding lands—Debentures of equitable mortgage on lands—Sale of lands by judgment creditors—Interest taken by judgment creditors in the lands—Freeholds sold under *fi. fa.*
Wickham v. New Brunswick & Canada Rail. Co. L. R. 1 P. C. 64.

PRINCE EDWARD'S ISLAND.

1. Attorney in Supreme Court—Arrest on mesne process—Privilege—Suspension from practice—No evidence—Order rescinded for irregularity.
In re Monckton, 1 Moo. P. C. C. 455.
2. Practice—Appeal Court in Island—No appeal from Supreme Court direct to Judicial Committee—Allowance of Appeal to Governor and Council of Island advised—Appealable value.
In re Cambridge, 3 Moo. P. C. C. 175.

CAPE BRETON.

Legality of annexation to Nova Scotia.

In re Island of Cape Breton, 5 Moo. P. C. C. 259.

GIBRALTAR.

1. Bill of exchange—Presentment for acceptance—"This I accept, and you may call for it when you like"—Good parole acceptance in colony—Decision of Court below upon question of evidence not binding on Judicial Committee although in general followed—Conviction of witness for perjury no ground for reversing the judgment on appeal—Costs against appellant attempting to make use of conviction of this description.
Canepa v. Larios, 2 Knapp, 276.
2. Collision—18th rule—Contributory negligence.
The William Frederick, The Byfoged Christensen, L. R. 4 App. 669.

GIBRALTAR—*continued.*

3. Ejectment—Owner—Real or personal estate—Conveyance by compromise.

Tudury v. De Pina, 15 Moo. P. C. C. 434.

4. Insurance—Plea by insurer that damages sustained by fire had not been ascertained in mode prescribed by their particular office—Damage fairly ascertained—Plea rejected.

Hadwin v. Lovelace, 1 Acton, 126.

5. Judge of inferior Court—Disregard by of inhibition—No attachment for contumacy and contempt, unless disobedience wilful and proceeding from improper motives.

Inhibition to Judge of Vice-Admiralty Court at Gibraltar not to be disregarded at his discretion, though he may consider that he is acting for the benefit of all parties.

Decree made after appeal and inhibition served personally on judge, held not such a contempt under the circumstances as to entitle owners to attachment against the judge, and costs and damages.¹

Barton v. Field, 4 Moo. P. C. C. 273.

6. Law of conquered colony—Charter under Great Seal instituting Court—Laws of England to be measure of justice between parties—Court to hold pleas of what nature and kind soever, and to issue warrants of execution for putting parties into possession under its decrees—English law of real property substituted for ancient law of the conquered colony—Widow entitled to dower out of lands of late husband.

Law of conquered country alterable by king by proclamation or letters patent under the Great Seal, not solely by Order in Council.

Inhabitant of island ceded by Great Britain—To England after cession—Return to ceded island in which family had been left—Residence with them there for upwards of six years—Emigration to another country under the government of Great Britain—Retention of character of British subject—Child born after the capitulation of the island, and before its final cession by treaty, not an alien.

Quere, Whether an appellant, who wishes to avail himself of evidence not produced before the Court below, must not, either in his petition of appeal, or by a special petition for that purpose, pray that it may be received before the Judicial Committee.

Jephson v. Riera, 3 Knapp, 130.

7. Slave Trade—5 Geo. 4, c. 113—Burden of proof of facts necessary to constitute liability to forfeiture or penalties upon prosecutor—

¹ Vid. *post*, 7.

GIBRALTAR—continued.

Privileges given by s. 46 to seizers not for their benefit, but for their protection against liability to costs and actions on judge certifying, pursuant to 4 Geo. 3, c. 15, s. 46, that there was probable cause for seizure.

Vessel seized in Port of Gibraltar—Allegation that she was engaged in carrying slaves—Forfeiture—Owners, master, and mate condemned in penalties—Judgment of the Vice-Admiralty Court of Gibraltar reversed—Evidence of the persons being slaves, or intended to be dealt with as slaves, doubtful—Owner, master, or mate not proved to be cognisant of that fact—Seizers to prove—Monition from Judicial Committee to Judge and Registrar of the Vice-Admiralty Court of Gibraltar to transmit proceeds arising from sale of vessel decreed to be forfeited, and sold after appeal inserted and inhibition issued and served—Whole amount of proceeds to be brought into Court, not balance after deducting costs and fees incidental to seizure—Refusal to comply with such monition—Contempt—Attachment for by Judicial Committee against the Judge, Registrar, and Marshal of Vice-Admiralty Court.¹

Barton v. Reg., 2 Moo. P. C. C. 19.

8. Slave trade—Shipping goods to be employed in—Liability to penalty—Guilty knowledge of object of vessel—Conviction of felony under the Slave Trade Abolition Act, 5 Geo. 4, c. 113, s. 10—Appeal against a sentence in the Vice-Admiralty Court for penalties—Conviction previous to civil sentence—Undergoing punishment at time of appeal—Protest on ground of such conviction overruled.

Sherwill v. The King, 2 Moo. P. C. C. 1.

9. Slave trade—Receiving goods on board slave ship—Joint act of owner and master of vessel—Penalties given by 5 Geo. 4, c. 113, s. 7, joint, not several.

Owner of vessel subject of the Queen of Spain and resident at Cadiz—Vessel within British port—Liability to forfeitures and penalties under Slave Trade Abolition Act.

Del Campo v. Reg., 2 Moo. P. C. C. 15.

10. Vicar-general of Roman Catholic Church at Gibraltar—Liability to account for fees received for administering offices of church—Fees by custom regulated by and subject to control of Assembly of Elders or Junta, of which he is the head, and disposed of by them for the general purposes of the church—Injunction against receipt of such fees by Vicar-general and directing him to replace in certain part of church the tariff or table thereof—Varied by

¹ Vid. *ante*, 5.

GIBRALTAR—*continued.*

dissolving injunction, and decreeing him to account as receiver for all sums paid to him on account of the same.

No jurisdiction in Judicial Committee to direct release of party imprisoned for contempt of Court below, pending appeal respecting merits of suit.

Evidence not adduced in the Court below, nor forming part of the transcript, admitted on motion to be used at hearing of appeal, subject to all just exceptions.

Hughes v. Porral, 4 Moo. P. C. C. 41.

MALTA.

1. Deed—Construction of—Primogeniture.

Apap v. Strickland, L. R. 7 App. 156.

2. Descent of real estate—Partition of—By law of Malta equally divisible among co-heirs of intestate—By Ordinances and Code in force in island, where property possessed in common cannot be “conveniently divided and without disadvantage,” the same must be sold by auction—Suit for partition of villa residence with out-houses and ornamental grounds devolved by intestacy of late owner on his ten children—Opinion of Court below, after reference to experts, not so divisible—Decree for sale by auction in its entirety and subsequent division of amount realised in equal shares confirmed by the Judicial Committee.—*Sembla*, not competent for parties in such suit to propose, at the hearing of the appeal, fresh reference to experts for purpose of suggesting another scheme for division of property in litigation.

Bugeja v. Camilleri, L. R. 3 P. C. 258.

3. Foreign judgment of competent court—Unimpeachable except for manifest error—Inapplicable *inter alios* unless *in rem*. *Dent v. Smith*, L. R. 4 Q. B. 414, followed.

Messina v. Petrocchino, 8 Moo. P. C. C., N. S., 375.

4. Judicial separation—Cruelty to child—“*Ingurie gravi*” in the 46th art. of the Maltese law relating to the separation of married persons—Large discretion in tribunal having to judge of the facts—Not only acts but words designed to wound feelings of wife may amount to “*ingurie gravi*”—Position of parties and habits and usages of the society in which they live to be regarded—Insults offered to the wife manifesting contempt of her in that character of special gravity, especially if offered in the presence of others—Wrongs of this description not to be estimated separately, but in combination one with another—Hus-

MALTA—continued.

band habitually treating his wife with harshness and insult—Keeping her in constant state of excitement and fear—Personal violence to adult daughter affecting her health during several months—Violence offered to daughter to be taken in conjunction with previous treatment of mother—Together constituting “*injurie gravi*” within 46th art.—Treatment of daughter by father ground under Maltese law for demanding separation by wife—Wife remaining in house for several months—Daughter continuing to suffer from consequences of ill treatment, requiring attention of mother—Departure of wife from husband’s house on the first occasion of his leaving home—Matrimonial offences of husband not condoned.

Sant v. Sant, L. R. 5 P. C. 542.

5. Mercantile instruments not to be unnecessarily strictly construed—Obvious and expressed intention to be effectuated—Charter party—Identity of English and Maltese law.

Dimech v. Corlett, 12 Moo. P. C. C. 199.

6. Principal and agent—Defence of action on behalf of principal—Damages—Recovery of from principal—Conditions for—Agent exceeding authority—Waiver or ratification by principal—Costs of appellant below and on appeal allowed.

Frixione v. Tagliaferro, 10 Moo. P. C. C. 175.

7. Principal and agent—Liability of agent indorsing bill of exchange for principal—Liability of indorser to indorsee—Contract between in what consisting.

Appealable value—Subject matter under—Special leave to appeal.

Castrique v. Buttigieg, 10 Moo. P. C. C. 94.

8. Salvage—Increase of—Derelict vessel and cargo.

Papayanni v. Hocquard, 4 Moo. P. C. C., N. S., 96.

WEST INDIAN COLONIES.

JAMAICA.

1. Administration suit—Reference to master as to what due and owing to parties to suit—Master’s report—No exceptions taken to—Petition to Court by party claiming sum of money for advances to infant, a party in the cause, and objecting to finding of master in not allowing for such advances—Reference to master whether any and what sum to be paid for advances—Irregular and reversed

JAMAICA—*continued*.

with costs in the Court below, but without costs of the appeal as same relief might have been obtained on a re-hearing of the petition in the Court below.

Thompson v. Cartwright, 3 Moo. P. C. C. 421.

2. Administration suit—Order to pay legacy in—Registration of—Effect of—*Venditioni exponas*—Jamaica Act, 8 Vict. c. 48, to declare judgments a lien upon land, to abolish arrest in certain cases, and for other purposes.

Balfour v. Watt, 8 Moo. P. C. C. 190.

3. Agency of estates—Jamaica Act, 28 Geo. 2, c. 19, s. 8—Charges by executors and trustees for the management of estates—No commission given by Act upon sale of an estate—Sale actually made and completed in island.

Henckell v. Daly, 1 Moo. P. C. C. 51.

4. Attorneys to absent proprietors of estates—Remuneration for performance of duties, including that of factorage—Commission of 6 per cent.—Appointment by of other persons as factors—Attorneys to be looked for for payment for supplies to estates and commission.

Pennant v. Simpson, 1 Knapp, 399.

5. Agents of estates—Commission of 6 per cent. by Jamaica Act, 24 Geo. 2, c. 19, to agents, trustees, guardians, executors, &c., for management and disposal of rents and profits of an estate—Remuneration for trouble and responsibility of conducting business of merchant on island—Payable only to persons actually resident on island, and capable and willing to act in trusts of estate—Commission of 5 per cent. by the same Act for receiving and remitting moneys only claimable where receipts on payments actually made on island.

Semble, where a party is made a co-plaintiff, having no interest in one of the objects sought by his co-plaintiff, and the Bill is sustainable only in respect of that object, it must be dismissed.

enton v. Davy, 1 Moo. P. C. C. 15.

6. Attorney and manager—Injunction obtained against by *cestui que trust* of moiety of produce of certain plantations and estates in Jamaica, prohibiting from shipping or consigning any portion of produce save as such *cestui que trust* should direct—Attorney trustee of same moiety—Injunction dissolved.

Israell v. Rodson, 2 Moo. P. C. C. 43.

7. Attorney and agent of plantation—Advance of supplies by factor of—No privity constituted thereby between creditor and owner of estate.

JAMAICA—*continued.*

Deed entered into by owner of estate with trustees for payment of certain creditors therein enumerated—Creditors not parties—No lien created thereby on estate of debtor in favour of creditors named therein.

Steele v. Murphy, 3 Moo. P. C. C. 445.

8. Agents—Consignment of cargo by request of purchasers to purchasers' factors—Purchasers indebted to factors—Further advance by factors to purchasers—Insolvency of purchasers—Repudiation of cargo and direction of factors to sell on arrival for benefit of vendor—Acquiescence of vendor—Subsequent claim to lien by factors—Waiver of—Appeal under 7 & 8 Vict. c. 69 direct from inferior Court in Colony to Queen in Council.

Harrison v. Scott, 5 Moo. P. C. C. 357.

9. Arbitration respecting freehold estates and interests in land—Married women parties—Validity of award.

Strachan v. Dougall, 7 Moo. P. C. C. 365.

10. Bankruptcy Act, 1869, s. 39—Mutual dealings—Agent's authority not revoked till notice of act of bankruptcy—Receipt of money under—Right to set off debt thus incurred—Trustee's title, date of accrual of.

Elliot v. Turquand, L. R. 7 App. 79.

11. Bishopric of Jamaica—Letters patent erecting—Jurisdiction of bishop to punish rectors, &c., according to laws and canons of church of England—Refusal of rector to enter marriage on parish registry—Citation of by bishop—Entry made—Suspension of rector for previous refusal—Publication of suspension—Proceedings reversed as wholly irregular.

Bowerbank v. Bishop of Jamaica, 2 Moo. P. C. C. 449.

12. Costs—Action of trespass in Supreme Court—Damages laid above limit of jurisdiction of local Courts—5 Vict. c. 26—Damages recovered below limit—Test of right to sue in Supreme Court and recover Supreme Court costs.

Emery v. Binns, 7 Moo. P. C. C. 195.

13. Escheated property, grant of—Non-prosecution by grantee of rights of Crown—Liability of grantee to account to Crown for rents and profits.

Mason v. Attorney-General of Jamaica, 4 Moo. P. C. C. 228.

14. Executor—Account of testator's estate—Jamaica statute, 15 Vict.

JAMAICA—*continued.*

- c. 16—Executor of executor—Right of executor to have account of his executor's testator's estate taken.
Smith v. O'Grady, L. R. 3 P. C. 311.
15. Executors—Compromise by of debt due by one of themselves—Fraud—Settlement in account—Liability of executors.
De Cordova v. De Cordova, L. R. 4 App. 692.
16. Governor, authority of—Act of state—Jurisdiction—Privilege—Pleading.
Musgrave v. Pulido, L. R. 5 App. 102.
17. Insolvency—Jamaica Insolvent Act, s. 67—Transfer, in contemplation of insolvency of estate, to creditor for benefit of such creditor within six months before declaration of insolvency—Fraudulent and void against official assignee—No evidence of fraudulent preference.
Nunes v. Carter, L. R. 1 P. C. 342.
18. Judgment creditor—Rights of against prior incumbrancer—Sale in lieu of foreclosure—Standing over of appeal for service of parties below.
Gordon v. Horsfall, 5 Moo. P. C. C. 393.
19. Legislative Assembly—Power of punishing contempts—Committal of party guilty of publishing libellous paragraphs, which had been resolved a breach of the privileges of House, to custody of keeper of common gaol in county of Middlesex in Jamaica, to be detained during the pleasure of the House.
Quære, Whether the warrant to the serjeant-at-arms, directing him to take the appellant into custody, justified him in committing such custody to the gaoler of the gaol in Middlesex.
Beaumont v. Barrett, 1 Moo. P. C. C. 59.
20. Libel, indictment for, found at assizes—Removal by *certiorari* to Supreme Court—Trial on civil side—Verdict of guilty—Judgment suspended pending application to Queen in Council—Petition for leave to appeal dismissed—*Quære*, whether in absence of final judgment appeal will lie.
In re Levien, 10 Moo. P. C. C. 31. See Prac. 3.
21. Marriage—Bond in contemplation of to mortgage land and raise money for purposes of settlement—Mortgage by way of settlement in pursuance of bond, including cattle, stock, and plantation implements—Cattle and stock not included in bond—Mortgage not able to enlarge provisions of bond.
Turner v. Barclay, 9 Moo. P. C. C. 264.

JAMAICA—continued.

22. Practice—Act No. 41 of 1872, s. 19—Service of summons on a company domiciled abroad—"Person residing out of Jamaica."
Royal Mail Steam Packet Co. v. Braham, L. R. 2 App. 381.
23. Practice—Motion by petition for discharge of receiver—Motion refused—Petition dismissed with costs—Directions engrafted on order of dismissal—Dismissal reversed—Order dismissing motion for settlement of accounts and payment over of balance, on ground that accounts not fully taken under original decree or balance ascertained, affirmed on appeal but without costs.
Palmer v. Barrett, 1 Moo. P. C. C. 415.
24. Partnership—Taking accounts between three, A. B., A. B. C., B. & C.—B. & C. cannot charge commission for collecting debt due to the two other partnerships.
Whittle v. McFarlane, 1 Knapp, 311.
25. Principal and surety—Bond to pay collections of taxes for 1842—Arrears at date of bond for taxes collected in 1841—Appropriation of taxes collected in 1842 to paying off 1841 arrears—Liability of surety—Appeal under 7 & 8 Vict. c. 69 direct to Queen in Council.
Attorney-General of Jamaica v. Manderson, 6 Moo. P. C. C. 239.
26. Prison—Surgeon of district prison of S. Katherine—5 Will. 4, c. 8; 4 Vict. c. 26 of local legislature—Office during pleasure—Appointment of another in place of holder of office.
Special leave to appeal granted *ex parte* from order of Supreme Court at Jamaica issuing peremptory mandamus—Right to move upon counter-petition to quash leave.
Hill v. Reg., 8 Moo. P. C. C. 138.
27. Probate of testamentary paper in the nature of a codicil—Grant of by consent in common form—Not afterwards revocable on allegation that conditions on which such consent given not complied with, there being no proof of fraud or circumvention practised upon either Court or parties.
Nicol v. Askew, 2 Moo. P. C. C. 88.
28. Stoppage *in transitu*—Confirmation of agent's act by principal.
Hutchings v. Nunes, 1 Moo. P. C. C., N. S., 243.
29. Usury—Mortgage debts on West India estates demurred against as usurious—Demurrer overruled as informal and contrary to usage—Question of usury not therefore fairly before Court.
M'Anuff v. Willis, 1 Acton, 119.

JAMAICA—*continued*.

30. Wharf—Liability of absentee owner of, for negligence of agent in conduct of wharf—Jamaica Act, 7 Vict. c. 57.

Appeal allowed though subject under appealable value on account of public importance of question—Rule 1 of Order in Council 13 June, 1853, allowing costs to successful appellant, discretionary in Court, only to be allowed in special circumstances.

To entitle appellant to costs application to be made at hearing.

Lindo v. Barrett, 9 Moo. P. C. C. 456.

31. Will—Mortgage by A. of estate in 1774—Annuity by will in 1775 to widow in lieu of dower—Subsequent mortgage of his interest by W., original mortgagee—Bill by R. in 1786 against W. and real and personal representative of A. for foreclosure—Decree in 1791 declaring that widow *bonâ fide* purchaser of annuity and entitled to be paid it out of mortgaged estate—Suit not prosecuted—Death of widow in 1794—Bill by her representative in 1822 against heir of W. and others claiming under him and heirs and devisees of A. for payment of arrears of annuity during her life-time, or for sale of estate and payment of arrears out of proceeds—Annuity not expressly charged on real estate of A.—Mere pecuniary legacy—Decree of 1791 erroneous.

When a Court of Equity is called upon to carry into execution a former decree, it is not bound to do so if, upon enquiry into the merits, it appears to have been erroneous.

Remedies for recovery of arrears of held lost by length of time.

The mortgagor and his heirs only can sue the mortgagee for an account and redemption, unless it can be shown that there is collusion between them and the mortgagees.

White v. Parnther, 1 Knapp, 179.

32. Will—Marriage and birth of child—Revocation of will made previous to marriage—Tacit condition annexed to will at the time of making not to have effect, if the deceased have a wife, and child subsequently born—Such tacit condition to will of personal as well as real estate—Annexed at the time of making will, which speaks from that period and not from testator's death.

Israell v. Rodon, 2 Moo. P. C. C. 51.

33. Will—Devise in fee—Revocation by codicil—Devise of same property without limitation—Fee or for life—Intention of testator.

Doe v. Thompson, 12 Moo. P. C. C. 116.

34. Will—Invalid to pass real, valid to pass personal, estate—Slaves devisable as real estate—Act to abolish slavery, 3 & 4 W. 4, c. 73—Compensation money—Personal estate.

Richards v. Attorney-General of Jamaica, 6 Moo. P. C. C. 381.

JAMAICA—continued.

35. Will—Trustee not acting in trusts of—Qualified and ready and willing to act—Title of to share of commission under the Jamaica Act, 24 Geo. 2, c. 19, s. 8.

Grant v. Campbell, 1 Moo. P. C. C. 43.

36. Will—Inrolment of decree by one of the defendants to suit for carrying into effect trusts of a will five months after decree, during infancy and absence of plaintiff from island at cost of the estate—Not done with improper haste, infants being properly represented according to the practice of Jamaica—Order vacating the inrolment reversed.

Hyslop v. Jones, 3 Moo. P. C. C. 15.

BRITISH HONDURAS.

1. Constitution and government of—Colonial Acts, 16 Vict. c. 4; 20 Vict. c. 16; 21 Vict. c. 1—Agent of settlement in England—Cessation of political character of—Action for salary.

Hodge v. Att.-Gen. of British Honduras, 2 Moo. P. C. C., N. S., 325.

2. Territorial sovereignty—Adverse possession against Crown—Sixty years—Date of acquisition of territorial sovereignty by Crown.

Attorney-General for British Honduras v. Bristowe, L. R. 6 App. 143.

INCUMBERED ESTATES COURT, WEST INDIES.

Lien of consignee of West Indian estate on *corpus* of estate—Difference between consignee and manager—No lien of manager for advances for cultivation—Manager appointed by trustee in possession—Manager appointed by Court of Chancery—Manager recognized by mortgagees—Appeal to Queen in Council under 17 & 18 Vict. c. 117, s. 65—Costs of appeal allowed and added to claim for principal and interest.

Fraser v. Burgess, 13 Moo. P. C. C. 314.

COMMISSIONERS OF COMPENSATION UNDER SLAVERY ABOLITION ACT.

Lessee of slaves—Compensation under Slavery Abolition Act—Covenant in lease to refer to arbitration in case of loss by abridgment of labour or diminution of returns of lessee in consequence of Act of Parliament or Regulation of Colonial Legislature—Non-contemplation of Slavery Abolition Act.

Gordon v. Bruce, 2 Moo. P. C. C. 261.

LEEWARD ISLANDS.

1. Appeal—Lapse of time for asserting—Improper constitution of Court—Proceedings in equity, not at law—Special leave refused—Application under protest possible—Objection merely technical.
Ex parte Kensington, 15 Moo. P. C. C. 209.
2. Refusal of Court of Error in Antigua to enter upon writ of error from Court of Common Pleas on supposition they were not a properly constituted court—No appeal against such refusal to Queen in Council—Judgment from Court of Error necessary to give Judicial Committee jurisdiction.¹ (*Antigua*.)
In re Assignees of Manning, 3 Moo. P. C. C. 154.
3. Bill of exceptions to direction of judge sealed by him—Case removed to Court of Error—Affidavit that allegation in the bill incorrect and that bill omitted to set out material points of evidence—Corroboration by judge—Bill to be taken off file to be amended by judge's notes—Not necessary in British West Indies to sue out writ to oblige judge to confess or deny his seal to bill of exceptions. (*Antigua*.)
Pownall v. Mascal, 2 Knapp, 161.
4. Legislative Assembly—No power of punishing contempt, though committed in its presence and by one of its members—No authority in colonial House of Assembly analogous to *lex et consuetudo Parliamenti*, inherent in the two Houses of Parliament in the United Kingdom, or to power of a Court of justice which is a Court of record—No judicial functions in colonial House of Assembly—*Kielley v. Carson* (4 Moo. P. C. C. 63) and *Fenton v. Hampton* (11 Moo. P. C. C. 347) approved—Warrant of committal by Speaker of colonial House of Legislature ought to show on its face that the contempt was committed in presence of House. (*Dominica*.)
Doyle v. Falconer, L. R. 1 P. C. 328.
5. Piracy, goods taken by not transferable to third party—Ship previously engaged in—Sale of by public auction—No restitution. (*Virgin Islands*.)
Reg. v. McCleverty, 8 Moo. P. C. C., N. S., 43.
6. Power of colonial Courts to prevent advocates who misconduct themselves from practising before them. (*Antigua*.)
In re Justices of Court of Common Pleas at Antigua, 1 Knapp, 267.

¹ See now 7 & 8 Vict. c. 69, s. 1; *Harrison v. Scott*, 5 Moo. P. C. C. 357; *Att.-Gen. of Jamaica v. Manderson*, 6 Moo. P. C. C. 239; *In re Barnett*, 4 Moo. P. C. C. 453; *Hitchins v. Hollingsworth*, 7 Moo. P. C. C. 228.

LEEWARD ISLANDS—*continued.*

7. Ship—Purchase of American—Declaration by purchaser that he British subject—Provisional registry of ship as British—Ship seized and condemned for breach of Slave Trade Acts—Presumption of correctness of registry, flag, and pass of ship—Estoppel on owner—Liability of ship—2 & 3 Vict. c. 73—*Onus probandi*—Evidence—Pleading facts *noviter ad notitiam perventa*. (**Antigua.**)

Dionissis v. Reg., 3 Moo. P. C. C., N. S., 181.

8. Will—Community of all property between the husband and wife, moveable and immoveable—Provision for dower and *preciput* or jointure—Power in case of children to accept or renounce community—Issue four children, two of whom died in the lifetime of their father, one without issue, and the other having an only daughter to whom he bequeathed all his estate to be vested at twenty-five or marriage—Death of father shortly afterwards, having by a codicil directed that the property bequeathed by his will to his second deceased son should go to his granddaughter in the same way as directed by her father's will—Suit by two surviving children against granddaughter to ascertain respective rights in real and personal estate of father—Decree by consent declaring them and granddaughter entitled to one-third share each—Widow not party—Will by granddaughter at 17 in favour of her guardians—Death shortly after—Suit by guardians to obtain possession of her third share of the personal estate of her grandfather—Resisted on ground that will obtained by undue influence, and she under twenty-five—Representatives of widow of grandfather made parties—Her interests at the time of taking the decree by consent as well as at her death ascertained—Decision in favour of plaintiffs on rehearing reversed on ground that it was contrary to the policy of the law that a guardian should benefit by the will of his ward—Decree not sustained on grounds that former decree by consent was binding on all the parties in that suit; and that the right of the parties therein declared could not now be questioned—Reference to ascertain interest of widow at time of taking the decree.

Semble—The Judicial Committee will not decide upon a testamentary instrument which appears not to have been admitted to probate, though registered in the island and not objected to in the court below. (**Dominica.**)

Moss v. Leatham, 2 Moo. P. C. C. 73.

WINDWARD ISLANDS.

1. Bankruptcy, adjudication in, followed by certificate of discharge in

WINDWARD ISLANDS—*continued.*

England under bankrupt laws—Debt contracted in any part of world barred by—Authority of Insolvent Court at Barbadoes to inquire into frauds and offences committed against law of insolvent debtors in that island in proceeding previous to English adjudication—Insolvent again within jurisdiction—Island Act, No. 2341 of 1846—Imperial Statute, 12 & 13 Vict. c. 106, s. 200. (**Barbadoes.**)

Gill v. Barron, L. R. 2 P. C. 157.

2. Consignee of West Indian estates—Consignee and mortgagee—General lien of—Exclusion of by express contract. (**Tobago.**)

Chambers v. Davidson (in re Leith's Estate), L. R. 1 P. C. 296; 4 Moo. P. C. C., N. S., 158.

3. Consignees of W. intestates—Devise of estate and plantation to executors in trust to manage and apply profits—Advances by consignee of estate—Misappropriation by executor—Disallowance of advances not applied to benefit estate—Power of executor to bind estate—Duty of consignee to see to application of advances—Rights of consignees of West Indian estates—Statute of Frauds must be pleaded. (**Barbadoes.**)

Daniel v. Trotman, 1 Moo. P. C. C., N. S., 123.

4. Costs of mortgage of property in West Indies—To be raised together with the mortgage money by a sale of the mortgage property, in case of non-payment by the respondents. (**Barbadoes.**)

Henry v. Byar, 1 Knapp, 388.

5. Evidence—Entry of payment of money in books of Provost Marshal of S. Vincent by creditor indebted to the same parties upon several judgments—Not binding notice of general appropriation of amount against receipt previously taken expressing on what particular account. (**St. Vincent.**)

Fraser v. Birch, 3 Knapp, 380.

6. Extension of Imperial law to colonies—Scotch Sequestration Act, 2 & 3 Vict. c. 41—Extension of to the colonies—Act of Tobago Legislature declaring common law and statutes of England, so far as applicable, in force in the island—*Quære* whether Interpleading Act, 1 & 2 W. 4, c. 58, extends to Tobago—If so, does appeal from judgment on feigned issue lie to Queen in Council? (**Tobago.**)

Colonial Bank v. Warden, 5 Moo. P. C. C. 340.

7. Family name, property in—Old French law—Name in connection with trade or business—Fraud. (**St. Lucia.**)

Du Boulay v. Du Boulay, L. R. 2 P. C. 430.

WINDWARD ISLANDS—continued.

8. Judge—Memorial by House of Assembly to Queen in Council complaining of illegal and oppressive conduct of—Lapse of time since acts charged except one, erroneous and improper, but in execution of duty—Refusal by Judicial Committee to advise removal of Chief Justice. (*Grenada.*)
Representatives of the Island of Grenada v. Sanderson, 6 Moo. P. C. C. 38.
9. Judge—Power of Chief Justice of Supreme Court of Grenada alone and without consent of the Assistant Justices to issue rule altering practice of court—Rules of Court by Chief Justice, prohibiting Assistant Justices from doing any act in Chambers except in the absence from the island or illness of Chief Justice—Illegal, ordered to be rescinded. (*Grenada.*)
In re Wells, 3 Moo. P. C. C. 216.
10. Judge—Action for trespass and false imprisonment against persons exercising office of Judges of Royal Court of S. Lucia under commissions from the Governor irregularly issued. (*St. Lucia.*)
Gahan v. Lafitte, 3 Moo. P. C. C. 382.
11. Judge—Order in nature of a *mandamus* not issuable by Judicial Committee to the Judges of the Common Pleas of Tobago to enter up judgment after verdict, though such judgment ought to have been entered up as of course. (*Tobago.*)
In re Muir, 3 Moo. P. C. C. 150.
12. Mortgage of property in West Indies, covenant in to consign produce to mortgagee—Not usurious—Such mortgagee may charge commission on sale of the produce—Assignment by mortgagee in possession—Supplies and contingencies due before assignment—Payment of by assignee—Adding to mortgage debt and charging against mortgaged premises. (*St. Vincent.*)
Sayers v. Whitfield, 1 Knapp, 133.
But see *Leith v. Irving*, 1 My. & K. p. 292.
13. Mortgage, judgment on, in 1827—Death of mortgagor—Sale of estate—Registration of judgment against B. and succession in 1830, not against purchaser of estate—Transfer of part of mortgage claim—Effect of claim—Effect of registration of judgment—Domicile *de facto* and *de jure*. (*St. Lucia.*)
Beausé v. Muter, 5 Moo. P. C. C. 69.
14. Partnership—Contract by one partner believed to be entered into on behalf of whole firm—Supply of articles to fulfil—Disclaimer of contract by rest of firm—Liability of firm—Account current—No

WINDWARD ISLANDS—*continued.*

evidence of specific appropriation of sums accounted for as received. (**Grenada.**)

Smith v. Ure, 2 Knapp, 188.

15. Pleading—Action for slander—Innuendoes—Prefatory averment—Suspicion. (**Grenada.**)

Simmons v. Mitchell, L. R. 6 App. 156.

16. Principal and surety—Judicial sale of real estate to attorney for W. and wife resident in France—D. surety for payment of second instalment—Execution of deeds by trustee resident in colony—Ratification of sale by two trustees resident in England—Default in payment of second instalment—Action against D. as surety—Sale in fact to W. only—Ineffectual and void—Release of D. (**St. Lucia.**)

De Brettes v. Goodman, 9 Moo. P. C. C. 466.

17. Probate refused to paper professing to dispose of testator's real and personal property and subjecting them both to payment of his debts and funeral expenses, in testator's handwriting, sealed and signed by himself, but not attested, although attestation clause subjoined—Presumption against final intention that writing to be last will. (**St. Vincent.**)

Douglas v. Smith, 3 Knapp, 1.

18. Registering deeds, &c. in St. Lucia—Ordinance for regulating form and manner of, art. 3—Registration of mortgage and assignment of part of estate charged and apportioned by previous act of liquidation—Right of party claiming under to come in *pari passu* with parties whose title registered under original act of liquidation—Ordinance passed in pursuance of Order in Council not altered or disapproved by Her Majesty in Council, though seemingly more extensive than contemplated by Order, not void for excess, but considered as duly authorised by Order and taken in conjunction with it. (**St. Lucia.**)

Inglis v. De Barnard, 3 Moo. P. C. C. 425.

19. Slave trade abolition—Seizure and condemnation of Portuguese vessel under 2 & 3 Vict. c. 73 affirmed on appeal by Judicial Committee—Proceedings in what form. (**Barbadoes.**)

Guimaraens v. Preston, 4 Moo. P. C. C. 167.

20. Vendor and purchaser—Agreement for payment of purchase-money of estate by yearly instalments with interest—Four last to be retained by purchaser as indemnity until good title made—Bill for specific performance—Vendor not entitled to compound interest—Not prepared to make good title—Decree of court

WINDWARD ISLANDS—continued.

below affirmed with costs, though varied in matter improperly made the subject of appeal. (St. Vincent.)

Stratton v. Symon, 2 Moo. P. C. C. 125.

21. Will—Specialty debt—Debtor appointed executor by creditor—Devise by debtor of real estates on trust for sale subject to debts—5 Geo. 2, c. 7, s. 4. Real estates in West Indies legal assets—Competency of testator to change legal distribution of assets. (Barbadoes.)

Turner v. Cox, 8 Moo. P. C. C. 288.

TRINIDAD.

1. Cognovits—Practice as to—Ordinance No. 5 of 1845—Spanish laws of 1534 and 1560.

Colonial Bank v. Cazabon, 7 Moo. P. C. C. 412.

2. Governor—Plea to action of debt brought in the Court of First Instance in the Island of Trinidad that defendant was at the commencement of the action, and still was, Lieutenant-Governor of the Island, and as such not liable to be sued—Overruled.

Semble.—Though judgment given against such Governor, his person not liable to be taken in execution while on service.

Hill v. Bigge, 3 Moo. P. C. C. 465.

3. Mortgagee entitled to consignments and to furnish supplies to estate—Suit by against purchaser of estate for balance of account—Claim of heirs-at-law of vendor, original mortgagor, to preference in respect of purchase-money—Claim refused.

Brown v. Anderson, 2 Moo. P. C. C. 249.

4. Treasurer of Trinidad—No preferential claim against the estate of by Crown for moneys not forming part of the public revenue of the island, though received by him under order of Court of Audience from the Escribanos or Registrars of the courts.

Wildes v. Attorney-General of Trinidad, 3 Moo. P. C. C. 200.

BERMUDA.

1. Provost Marshal, right of to account of rents and profits of lands and other moneys received by Secretary of island.

Kennedy v. Trott, 6 Moo. P. C. C. 449.

2. Will—"Estate," meaning of—Realty as well as personalty, unless clear contrary intent expressed.

Mayor of Hamilton v. Hodsdon, 6 Moo. P. C. C. 76.

3. Writ *de vi laicâ removendâ*—Issue of from Common Law side of

BERMUDA—*continued*.

Court of Chancery in England disused—Same relief by injunction in case of obstruction to induction of party to benefice—Bermuda Act of 1814, s. 29—Jurisdiction of Court of Chancery of Islands to "examine, hear, judge, determine, and decree, all matters, causes and things whatever, as fully and amply to all intents and purposes whatsoever as the High Court of Chancery in England may or can do"—Power to issue writ *de vi laico removenda*.

Ex parte Jenkins, L. R. 2 P. C. 258.

BAHAMAS.

1. Foreign Enlistment Act, 59 Geo. 3, c. 69, s. 7—Violation of how evidenced.

Reg. v. Carlin, 6 Moo. P. C. C., N. S., 509.

2. Salvage—Never more than moiety—Derelict distinguished from salvage—Decree below of 76 per cent. reduced to 50 per cent.—Decree below carried into effect pending appeal on security being given to abide event of appeal.

Gore v. Bethel, 12 Moo. P. C. C. 189.

BRITISH GUIANA. (Including cases from the old colonies, Demerara and Berbice.)

1. Administration—Suit for account of testator's estate—Error in mode of taking accounts—Interest.

Jerningham v. Administrator-General of Demerara, 15 Moo. P. C. C. 529.

2. Bill of exchange—Drawn in one country, payable in another—Dishonour—Drawer liable according to *lex loci contractus*—Bill drawn generally—Drawer, acceptor, indorsers liable according to laws of countries where drawing, acceptance, and indorsement respectively take place—Principle of compensation in Civil Law adopted in Dutch-Roman Law applies to bills of exchange.

Allen v. Kemble, 6 Moo. P. C. C. 314.

3. Contract—Agreement made in Scotland for discharge of mortgage of lands in Demerara by bills payable in Scotland—Scotch contract—Interpretation according to law of Scotland.

Campbell v. Dent, 2 Moo. P. C. C. 292.

4. Creditors—Decree of *perpetuum silentium* against creditors of a person deceased who have not appeared and put in their claims under an edictal summons for that purpose—Not bar to action of

BRITISH GUIANA—continued.

creditor who has not so appeared against the executor of such a person.

Freyhaus v. Heirs of Forbes, 1 Knapp, 117.

5. Crim. con., action of lies by Dutch law in British Guiana and is recognized by Ordinances of Colony Nos. 19 & 29 of 1846.

Norton v. Spooner, 9 Moo. P. C. C. 103.

6. Donation—Deed of in favour of illegitimate children, minors—Acceptance by donor on donees' behalf—Sentence of willing condemnation for performance of deed—Subsequent marriage of donor—Death of, leaving widow and issue—Death intestate and unmarried of one of illegitimate children—Claim by mother against donor's estate—Acceptance of donor on behalf of donees validating donation—Donation not revoked by subsequent marriage and birth of lawful children—Technical objections not taken in Court below not entertained where mere matter of form not affecting substance of controversy.

Board of Orphans v. Kraegelius, 9 Moo. P. C. C. 438.

7. Executors—Colony governed by Dutch law—Executors taking no beneficial interest under will do not by entering into possession or adiating property of testator make themselves liable as heirs do to payment of all his debts—Paying for schooling and maintenance of illegitimate children of testator, making small advances to their mother, and parting with boat out of repair to holder of unpaid note of hand of testator originally given in payment for the boat, not sufficient dealings with estate to constitute an adiation.

Freyhaus v. Cramer & Cantzlaar, 1 Knapp, 107.

8. Foreign judgments—Decree of Court below for money due on reversed—Judgments improperly obtained—Certificate of deputy Secretary in S. Vincent's that he had searched Secretary's office, and could find no warrant of attorney to confess judgment in an action, received as evidence of the non-existence of such a power, having been admitted as such in the Court below—Bills drawn by one partner for a separate debt in the partnership name cannot be recovered upon as against the firm, unless the plaintiff can prove either a direct assent from the other partners, or circumstances from which such assent might have been reasonably presumed.

Sembla.—Objections cannot be made to a decree at the hearing before the Privy Council that have not been made in the Court below.

Frankland v. M'Gusty, 1 Knapp, 274.

BRITISH GUIANA—continued.

9. Governor of colony—Sovereign authority not delegated to—Act done by unauthorised by commission or instructions—Not equivalent to such act done by Crown—Invalidity of—Vendue Master of Berbice—Commission of 5 per cent. on sales in colony—No power in Governor to reduce.
Semble.—The non-objection on the part of the Crown to a notification or proclamation issued by a Governor of one of its ceded colonies does not imply that the Governor had authority in the subject of the proclamation; nor will its non-interference render the proclamation valid on the ground of acquiescence.
Cameron v. Kyte, 3 Knapp, 332.
10. Holland's currency—Claim in Demerara for sum of money—Holland's currency held to mean the currency of the colony, which called Holland's currency.
Hugenholtz v. Watson, 1 Knapp, 170.
11. Land, sale of—Servitude—Immovable property—Judicial Act—Roman-Dutch Law.
Steele v. Thompson, 13 Moo. P. C. C. 280.
12. Mortgage—Dutch Law—Satisfaction of principal debt—Extinguishment of mortgage or pledge.
Wilkinson v. Simpson, 2 Moo. P. C. C. 275.
13. Mortgage of lands—Purchase of for smaller sum—Priority of purchasers to second mortgage—*Lex Anastasiana*—Holland's currency, meaning of—Clause for increasing interest.
Macrae v. Goodman, 5 Moo. P. C. C. 315.
14. Plantation in colony, management of—Executrix and devisee in trust in England—"Without power of assumption, substitution, and surrogation"—Roman-Dutch Law—Appointment of attorney—English law.
Stuart v. Norton, 14 Moo. P. C. C. 17.
15. Interdict against selling proceeds of plantation—Discharge of—Damages, rejection of claim for overruled by Judicial Committee.
McTurk v. Bent, 4 Moo. P. C. C. 213.
16. Practice—Execution sale—Claim declared preferential—Appeals—Pending appeals petition filed in British Guiana praying Court to proceed to judgment of *pro et concurrente* and to award the moneys to be paid *sub cautione de restituendo*—Refused—Application *ex parte* to Her Majesty in Council to reverse refusal, and for order upon Judges in British Guiana to entertain petitioner's application—Not entertained.
In re Butts, 4 Moo. P. C. C. 92.

BRITISH GUIANA—*continued.*

17. Practice—Mandament of penal interdict not granted to restrain execution of sentence on grounds that might have been brought forward at hearing of cause—In appeal against execution of sentence appellant cannot enter into merits—By such appeal justice of original sentence admitted.

Nieuwerkerk v. Reynolds, 1 Knapp, 151.

18. Practice—Order by Judicial Committee on petition for a mandament of substantial relief, *restitutio in integrum*, and *committimus* to Judge of Supreme Court of British Guiana.

In re Butts, 3 Moo. P. C. C. 441.

19. Promissory note—Joint action by holder of against maker and indorsee—Notice of dishonour to indorsee—Dutch-Roman Law.

Chapman v. British Guiana Bank, 6 Moo. P. C. C. 23.

20. Slaves—Hire of—Abatement in rent for allowed in respect of three manumitted under Slavery Abolition Act—Refused for loss from diminution in hours of work of apprenticed labourers—Counter claim before Commissioners of Compensation.

Albony v. Retemeyer, 3 Moo. P. C. C. 452.

21. Contempt of Court—Supreme Court of Civil Justice—Court of Record—Power to commit for contempt—Exercise of power discretionary—Not subject of appeal.

MacDermott v. Judges of British Guiana, L. R. 2 P. C. 341.

22. Vendor and purchaser—Purchase-money of plantation secured by bills of exchange drawn on houses in England—Estate hypothecated as further security for purchase-money due on bills with interest and damages—Mortgage to be a first and preferent charge—Some of bills protested and returned to colony—Plantation sold under execution sale—Preferential claim of vendor for principal and interest due upon protested bills—Not for damages consequent thereon—Interlocutory order referring matters of account to sworn accountant of Court of Civil Justice in Berbice with instructions thereon, not such a definitive sentence as by rules of Civil Law require specific appeal; may be questioned on general appeal from final sentence of Court.

Cameron v. Fraser, 4 Moo. P. C. C. 1.

23. Vendor and purchaser—Execution sale of real estate—Purchase—Inability to get transport from Supreme Court—No title—Annulment of execution sale—Return of purchase-money.

Forte v. Beete, 9 Moo. P. C. C. 336.

BRITISH GUIANA—*continued*.

24. Will—Devise of property, real and personal, after death of testator's wife, to be sold, money arising therefrom to be immediately deposited in Bank of England, interest to be paid to testator's daughter during her life—Principal wholly at her disposal at her death—Daughter married woman—Husband's creditors not able in colony governed by Dutch Law to take it in execution and sell it—Not incumbent on an heir to accept his legitim or *pars legitima* of inheritance for benefit of creditors.

Simpson v. Forrester, 1 Knapp, 231.

HONG KONG.

1. Bankruptcy Ordinances, 1864, arts. 163, 165, 167, 168, 169—Fraudulent preference—Rights of trustees under art. 165.

Benecke v. Whittall, L. R. 2 App. 602.

2. Bankruptcy in colony of firm—Power of attorney to petition Court for adjudication—Act of bankruptcy—Assignment to trustee—Bankruptcy in London of partner—Subsequent joint adjudication in colony against all partners—Competency of partner in London to dispute joint adjudication—Costs—Insufficiency among sets of respondents—Rateable distribution.

Lyall v. Jardine, L. R. 3 P. C. 318.

3. Bill of exchange—Restrictive endorsement—Subsequent indorsee's right of action for benefit of restraining indorser or *cestui que trust*.

Murrow v. Stuart, 8 Moo. P. C. C. 267.

4. Bill of lading—Indorsement of forbearance or release of antecedent claim not good consideration for—Stoppage *in transitu*—*Transitus* till when—Words in deed capable of two constructions taken against party using them to work wrong—Position as to equities.

Rodger v. Comptoir d'Escompte de Paris, L. R. 2 P. C. 393.

5. Bill of lading—"Or order or assigns," omission of—Endorsement—Title to goods.

Henderson v. Comptoir d'Escompte de Paris, 42 L. J. P. C. 60.

6. Contempt of Court—Criminal offence—No person punishable for

HONG KONG—continued.

unless specific offence charged distinctly stated, and opportunity given of answering—Barrister engaged in professional duty before Supreme Court, without notice of alleged contempt or rule to show cause, without being heard in defence, by order of Court fined and adjudged to have been guilty of several contempts of Court in disrespectfully addressing the Chief Justice while conducting a cause—Order, upon a reference by the Crown to Judicial Committee under the statute 3 & 4 Will. 4, c. 41, s. 4, set aside, and fine ordered to be remitted, first, on ground that the order was bad, inasmuch as the offences charged were not of themselves such contempts of Court as legally constituted an offence; secondly, that even if they had been so, no distinct charge of the several alleged offences was stated, and no opportunity given to the party accused of being heard before passing sentence.

In re Pollard, L. R. 2 P. C. 106.

7. Extradition—Treaties of Nankin and Tientsin—Ordinance of Hong Kong, No. 2, 1850—"Crime or offence against the law of China"—Piracy—*Habeas corpus* Act, 31 Car. 2, c. 2, s. 6—Recommitting for same offence.

Attorney-General of Hong Kong v. Kwok-a-sing, 42 L. J. P. C. 64.

8. Partnership—Debt to—Agreement with member of partnership by third party to pay debt—Right of action by member of partnership in own name against third party.

Agacio v. Forbes, 14 Moo. P. C. C. 160.

9. Reversing judgment, Order in Council, construction of—Repayment of amount of judgment—Interest—Restitution—Costs—Appeal from Hong Kong—General regulations of 1845—Practice—Printed cases dispensed with.

Rodger v. Comptoir d'Escompte de Paris, L. R. 3 P. C. 465.

10. Ship, title to—Jurisdiction of Vice-admiralty Court—Non-registration of ship—Effect on subsequent *bond fide* purchaser—Master's authority—Sale of ship—Strong necessity—Cost of repairs—Delay of owner—Acquiescence in sale—Disobedience to monition to pay taxed costs of appellants—Sequestration of real and personal estate.

Lapraik v. Burrows, 13 Moo. P. C. C. 132.

11. Shipping—Consignee of goods—Right to action against shipowner for non-delivery—Collision at sea—Damage to cargo—Duty of

HONG KONG—*continued*.

master—Ordinances constituting Supreme Court of Hong Kong—Practice and proceedings to be same as in Courts in England—No Court of Appeal in colony—Appeal to England against final decree, judgment, or sentence, or rule or order in civil suit having final and definitive effect—Appeal from verdict of jury to England—Irregularity of—Proper course to move for new trial and appeal from refusal of—Fatal objection to right of appeal—Application to quash.

Tronson v. Dent, 8 Moo. P. C. C. 419.

PENANG.

1. Straits Settlements—Ordinance 8 of 1873, ss. 12 (subs. 2) and 26—Stamp—Insufficient cancellation—Additional stamp by way of penalty—Admissibility in evidence.

Vernon Allen v. Meera Pullay, L. R. 7 App. 172.

2. Will—Gift of residue to executors absolute or in trust—Uncertainty—Perpetuity—Law of England in Penang—Royal Charters 1807, 1826, 1855—English Statutes in nature inapplicable to Penang—*Mayor of Lyons v. East India Co.*—Appeal to H. M.—Ordinance No. 5 of 1868—Present Supreme Court of Straits Settlements.

Yeap Cheah Neo v. Ong Cheng Neo, L. R. 6 P. C. 381.

CEYLON.

1. Executor—Bond or mortgage by order of Court of testator's real estate for expenses of cultivation—Fiscal sale on default in payment by mortgagor—Repudiation by co-executor and devisee in trust on allegation of collusion with purchaser and non-joinder of co-executor in mortgage—Supreme Court, court both of law and equity—Suit maintainable against executor or administrator in representative capacity for moneys advanced for purposes of estate he represents—Judgment and execution against testator's or intestate's estate—Effect of unauthorised dealings with estate by representative or person benefiting by and party to such breach of trust—Powers of executor by Roman-Dutch law in force in Ceylon—Over immovable as well as movable property.

Gavin v. Hadden, L. R. 3 P. C. 707.

2. Charter of Justice (1833), cl. 23—District courts—Appeal from to Supreme Court by cl. 36—Power of Supreme Court by Ordinance No. 11 of 1843, s. 14, to review proceedings of Police courts—Power to District Judge or Police Magistrate by s. 7 to enforce recognizance taken before Justice of Peace—Forfeiture by Police Magistrate of sureties' recognizances—Review by Supreme Court

CEYLON—continued.

—Meaning of “forthwith” in notice to party out on bail to appear.

Reg. v. Price, 8 Moo. P. C. C. 203.

3. Land—Adverse possession of—Acts of ownership—Ordinances No. 8 of 1834, No. 22 of 1871.

Clarks v. Elphinstone, L. R. 6 App. 164.

4. Land—Recovery of—English parties—Instruments in English form—Rights governed by English law—Roman-Dutch law in Ceylon—Deed affecting immovable property—Execution in Ceylon.

Lindsay v. Oriental Bank Corporation at Colombo, 13 Moo. P. C. C. 401.

5. Lien—Civil law—Movables—Possession not necessary—*Bond fide* purchaser without notice—Modification of rule by Roman-Dutch law—Goods not followed into hands of transferee without value—Inaccurate reference to Voet in Burge’s Commentaries, iii. 572.

Tatham v. Andree, 1 Moo. P. C. C., N. S., 386.

6. Marriage, presumption of—*Onus probandi*—Roman-Dutch law.

Sastry Velaidar Aronegary v. Sembecutty Vaigalie, L. R. 6 App. 364.

7. Shipping—Charterparty—Delivery of cargo over ship’s side—Payment of freight on delivery.

Black v. Rose, 2 Moo. P. C. C., N. S., 277.

8. Practice—Carrying out judgment of Judicial Committee—Proceedings according to English law—Application of Roman-Dutch law—Law of procedure law of forum.

Lindsay v. Duff, 15 Moo. P. C. C. 452.

9. Promissory note—Presentation, time for—Payable on demand—Payment not contemplated at any specific date—Continuing security.

Chartered Mercantile Bank of India, London and China v. Dickson, 8 Moo. P. C. C., N. S., 1.

10. Sale—Conditions read at auction—Conditions appended to memorandum of purchase—Right to sue on latter—Damages—Wrongful retaking of goods sold—Rescission of contract.

Page v. Eduljee, 3 Moo. P. C. C., N. S., 499.

11. Will—Mutual will—Construction of by Roman-Dutch law—Gift to class—Gift to husband and wife and another.

Dias v. De Livera, L. R. 5 App. 123.

MAURITIUS.

1. Alien—*Status* of resident in Mauritius determined by laws of England—Rights and liabilities incidental to such *status* determined by law of colony.

Code civile in Mauritius previous to surrender to British Crown, art. 13—Domicile of alien only obtained "*par l'autorisation du Gouvernement*," express formal authority of the Government, not merely tacit or permissive acquiescence, for residence of alien friend in Island.

Alien friend by order of Governor and Colonial Council deported and directed to quit Island within a month—Order consistent with law of France and strictly legal, notwithstanding party so deported had enjoyed privileges and exercised rights of person duly domiciled in Island.

In re Henry Adam, 1 Moo. P. C. C. 460.

2. Bastard—*Code civile*, arts. 765, 766—*Des successions irrégulières*—Descendants, meaning of—*Postérité*—Claim of government to property—General principles by which Courts to be governed in construing *Code civile* as derived from decisions of *Cour de cassation* and leading French text-writers.

H. M. Procureur and Advocate General v. Bruneau, L. R. 1 P. C. 169.

3. Company—Insurance Company—Registration in Supreme Court of Calcutta—Shareholder resident in Mauritius—New Company to take business at expiration of limit of old Company's time—Verbal authority to place name on deed—Liability on insolvency of company.

Leishman v. Cochrane, 1 Moo. P. C. C., N. S., 315.

4. *Conseil de famille*—"Contredits" to *ordre* or distribution of sale price of estate—Mortgage of subsequent date—*Conseil de famille*, homologation of—*Code civile*, art. 458.

Chapman v. Oriental Bank Corporation, 2 Moo. P. C. C., N. S., 463.

5. Contract made in one country to be performed in another country—Interpretation of—*Lex loci contractus*—Carrier—Special agreement—Indorsement on ticket.

Peninsular and Oriental Steam Navigation Co. v. Shand, 3 Moo. P. C. C., N. S., 272.

6. *Faillite*, *ouverture de*—Refusal to pay, unless followed by cessation of payment, not sufficient to establish under art. 441 of *Code de commerce*—Suspension of payment not necessarily a cessation within terms of that article—General stoppage of payments—Carrying back *ouverture* to time of antecedent refusal.

MAURITIUS—continued.

House in Mauritius in co-partnership with one in London—Payments suspended in consequence of stoppage of the London house, though not till some time after arrival of intelligence of such stoppage—Date of *ouverture de la faillite* not carried back to failure of London house—Fixed from period of actual stoppage of payments in the island.

D'Epinay v. Cockerell, 1 Moo. P. C. C. 103.

7. Judgment, registered specific charge on debtor's real estate with priority of date—Non-domiciled owner of real estate—Service of process on agent not authorized to accept or to elect acceptance of domicile for principals—Jurisdiction of Court.

French Law as settled by *Code civile* in force in Mauritius.

Lang v. Reid, 12 Moo. P. C. C. 72.

8. Practice—Court below at Mauritius sole judge of sufficiency of security to be given for due prosecution of appeal—Refusal by that Court to allow appeal on account of insufficiency of security tendered—Refusal supported by Privy Council.

Camberton v. Egroignard, 1 Knapp, 251.

9. Principal and agent—*Code civile*, art. 1384—Responsibility of *commettant* for negligence of *préposé*—Meaning of *préposé*—Liability for fire caused by working of labourers clearing land.

Sérandat v. Saïsse, L. R. 1 P. C. 152.

10. Sale of movables—Delivery on credit—Default in payment—Recovery of by unpaid vendor—Increase in value in purchaser's possession—Suit of "*tierce opposition*" explained.

Rochecouste v. Dupont, 2 Moo. P. C. C., N. S., 195.

11. Sale by licitation—Privilege of *copartageants*—*Hypothèques*—Priority—*Code Napoléon*.

Courtaux v. Hewetson, L. R. 6 P. C. 407.

12. Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104), ss. 55, 58—Registration of British ship—Sale by licitation—Purchaser under judicial sale of beneficial interest in British ship—Not entitled to registration as owner—Discharge of mortgages, entries of.

Chasteauneuf v. Capeyron, L. R. 7 App. 127.

13. Will made in *mystique* or secret form according to *Code civile*—Bequests to natural children—Subsequent legitimation of—*Quotité disponible*—Election.

Lagesse v. Lagesse, L. R. 4 P. C. 553.

ST. HELENA.

1. Salvage reward, how estimated—Deviation by salving ship—Vitiation of insurance—Liability to owners of cargo—Danger of salving service.

Carmichael v. Brodie, 4 Moo. P. C. C., N. S., 374.

2. Slave Trade Act, 5 Geo. 4, c. 113—Necessary conditions to condemnation—Employment of ship in contravention of Act with knowledge of owner—Goods shipped by shippers knowingly for purposes of slave trade.

Regulation of 1851 issued pursuant to 2 Will. 4, c. 51, as to citing and serving owners—*Bond fide* ignorance of proceedings—Suspension of judgment—General citation—No penalties under 5 Geo. 4, c. 113—Intervention of shippers and parties claiming cargo in owner's appeal—Pleading new matters—Fresh evidence.

Hocquard v. Reg., 11 Moo. P. C. C. 155.

3. Seizure of trading vessel on coast of Africa belonging to British owners as suspected slaver—Condemnation under 2 & 3 Vict. c. 73 in *ex parte* proceedings—Appeal by owners—Condemnation reversed because (1) no probable grounds for seizure; (2) proceedings irregular, chief mate, supercargo, or boatswain not having been sent with vessel to give evidence, according to Admiralty Instructions, s. 1, art. 21—Consequential damages not allowed.

Harrison v. Reg., 10 Moo. P. C. C. 201.

FALKLAND ISLANDS.

Acquisition by occupation—Prevalence of Common Law of England modified by such statutes and local ordinances as apply—Cattle *feræ naturæ*—Grants of land—Licence to depasture stock—Rights of licence—Right to hunt cattle.

Falkland Islands Co. v. Reg., 2 Moo. P. C. C., N. S., 266.

CHANNEL ISLANDS.**JERSEY.**

1. Bailiff cannot appoint third *dénonciateur* to Royal Court.

Le Gallais v. De Veulle, 11 Moo. P. C. C. 72.

2. Bar of Royal Court—Limit of number of advocates to six—Right of nomination of advocate in Royal Court in bailiff.

D'Allain v. Le Breton, 11 Moo. P. C. C. 64.

JERSEY—continued.

3. Bar of *Cour Royale*—Act of States opening—Confirmation by Queen in Council—Compensation to former advocates refused.
The Jersey Bar, 13 Moo. P. C. C. 263.
4. Bill of exchange drawn in Jersey, payable in London three days after sight or order—Presentment thirty-seven days after date—Foreign bill—Reasonable time of presentment.
Godfray v. Coulman, 13 Moo. P. C. C. 11.
5. *Clameur de haro*—Criminal as well as civil process—Attorney General of Island necessary party in all stages—Appeal abated by death of respondent revived by making deceased's heir respondent.
Ahier v. Westaway, 9 Moo. P. C. C. 395.
6. Clergyman—Jurisdiction of Ecclesiastical Court of Jersey to entertain suit against—Canons 17 and 46—"Scandal against morality and religion, and especially against the Established Church, of which he is a minister"—Criminal offence—Canon 21—Dean to ask advice and opinion of ministers present—Minister's assessors have no voice in the decision of the Court—Appeal abated by death of Dean of Jersey pending appeal, revived in name of his successor, though not prosecuted within time required by 57th canon.
Dean of Jersey v. Rector of —, 3 Moo. P. C. C. 229.
7. Contract for work between H. and F.—Transfer of by H. to L.—Assent of F.—Bankruptcy of H.—Right of L. to payment by F.—Acte of Royal Court calling in experts to view of work.
Falle v. Le Sueur, 12 Moo. P. C. C. 501.
8. Court House—No power in Royal Court to order alterations directed by them to be paid for out of Crown Revenues.
A.-G. of Jersey v. Le Capelain, 4 Moo. P. C. C. 37.
9. *Curatelle*—Person—Property.
Ex parte Nicolle, L. R. 5 App. 346.
10. Custody of children—Provisional order giving it to mother pending separation suit—Appeal without prejudice to objection in Royal Court.
Belson v. Belson, 7 Moo. P. C. C. 30.
11. Debtor and creditor—Rate of exchange—Recovery of money received under specific authority, to be applied in particular manner—Rate at time and place specified where default in payment made, not at time judgment for recovery of sum recorded.
Bertram v. Duhamel, 2 Moo. P. C. C. 212.

JERSEY—*continued*.

12. Debtor and creditor—*Loi sur arrangements entre débiteurs et leurs créanciers*—Royal Court of Jersey—Leave—*Doléance*.
Crédit Foncier v. Amy, Baily v. Amy, L. R. 6 P. C. 146.
13. Defamation—Action for—Representation by defendants to plaintiff's employer in good faith in the course of their business—Damages.
Hamon v. Falle, L. R. 4 App. 247.
14. Delay—Petition and remonstrance in Royal Court for damages against illegal arrests and seizures by Attorney-General for alleged frauds against revenue laws—Joinder of Judges of Court as defendants—Plea of incompetency of Court—Declaration of incompetency by Court—*Doléance* and petition to Queen in Council after two years' interval—Petition by Attorney-General to dismiss summons for him to appear—Summons discharged.
In re Whitfield, 5 Moo. P. C. C. 157.
15. *Droit de retrait*, principle of—Heir not bound to perform stipulations of original contract for personal services—Contract of mixed nature—Not enforceable against vendor's heir.
Touzel v. Filleul, 3 Moo. P. C. C. 484.
16. Expectancy—Sale by expectant heir to brothers—No fraud or inadequacy of consideration—Lapse of year and day from opening of succession—Unconscionable bargains—Transaction impeachable within thirty years of sale, forty years of death of parents—Price less than one-half value—*Mandat* what—Oath to abide by contract before bailiff of Royal Court—Tacit reservation of just grounds of complaint—Trusts *inter vivos*.
Godfray v. Godfray, 3 Moo. P. C. C., N. S., 316.
17. *Habeas corpus*—Jurisdiction of Court of Chancery to issue writ in vacation—Sealing of writ—5 & 6 Vict. c. 103—Order in Chancery, 1842, No. 4—Duty of Royal Court of Jersey to register warrant of attachment for contempt of writ.
In re Belson, 7 Moo. P. C. C. 114.
18. Husband and wife, judicial separation *quant aux biens*—Effect on husband's *droit de viduité*.
Lemprière v. Vibert, 15 Moo. P. C. C. 427.
19. Husband and wife—Relationship not dissolved by death of one of the parties without issue—Husband, whose wife died childless, incapable of acting as judge in case to which his nephew party.
Becquet v. Lemprière, 1 Knapp, 376.

JERSEY—continued.

20. Hypothec of moveables—No possession—Registration—No priority over other creditors—Registration of debt affects only immoveable property.
Hayley v. Bartlett, 14 Moo. P. C. C. 251.
 21. Judge—Majority of jurats constituting Court necessary to validity of judgment—Casting vote of bailiff.
Le Breton v. Ennis, 4 Moo. P. C. C. 323.
 22. Land—Lords of fiefs in Island of Jersey not bound to discharge rents or incumbrances due on estates falling into their possession by decease of their tenants.
Pipon v. Coutanche, 1 Acton, 4.
 23. Land—Norman law in Jersey—Fines on death of tenants holding lands within manors—Forfeitures on conviction of crimes—Corporation sole or aggregate becoming possessed of lands by conveyance from tenants—Indemnification of lord for loss of seigniorial rights—Demise of Crown without issue—Proceedings against Lieutenant-Governor of Island to vacate possession of site of Government House, or pay lord indemnity for loss of dues—Lord entitled to indemnity.
Thornton v. Robin, 1 Moo. P. C. C. 439.
 24. Legislation—Power of Lieutenant-Governor to veto act of States—Unconstitutional exercise—Special interest of Crown.
In re States of Jersey, 15 Moo. P. C. C. 195.
 25. Legislation—Acts of States—Lodging *au greffe* for fourteen days before determination—Preamble of Acts.
In re States of Jersey, 11 Moo. P. C. C. 320.
 26. Legislation—Three Orders of Queen in Council addressed to Lieutenant-Governor of Jersey, and directed by Home Secretary to be registered in island to give them force of law—Recalled on petition by States of Jersey, and numerous inhabitants—Acts passed by the States in substitution confirmed.
Quære, whether Crown by prerogative can by Orders in Council, with concurrence of States of Jersey, originate laws for Jersey, or does exclusive right of originating laws reside in States?
In re States of Jersey, 9 Moo. P. C. C. 185.
- Legitimation per *subsequens matrimonium*—Norman law—Evidence of paternity—Succession—Gift *inter vivos* of real estate disinherit heir—Void by Jersey law.
La Cloche v. La Cloche, L. R. 4 P. C. 325.

JERSEY—*continued*.

27. Life insurance—Deposit in 1833 by A., domiciled in Jersey, with B. domiciled in England, of policy on A.'s life to secure debt—Transaction in England—No notice to insurance office—Subsequent delivery to A. of duplicate of policy on false representation of loss of original—Assignment of duplicate policy to A.'s wife, from whom A. had obtained *séparation de biens*—Notice to office—Payment of premiums by A.'s wife till death of A.—In 1838 *cessio bonorum* by A.—B.'s debt not proved—Lien of B. on policy—Cause remitted to find facts as to nature of assignment to wife, with declaration that if evidence established title of A.'s wife, she had preferential title to B. ; if otherwise, her title subsequent to B.'s charge on policy for debt and interest.

Le Feuvre v. Sullivan, 10 Moo. P. C. C. 1.

28. Low watermark—Claim of lord of manor to exclusive right of cutting sea-weed on rocks situate below—Only by grant from King, or long and undisturbed enjoyment raising title by prescription.

The possession necessary to constitute a title by prescription must be uninterrupted and peaceable, both according to the law of England, the Civil law, and the laws of France, Normandy, and Jersey.

Benest v. Pipon, 1 Knapp, 60.

29. Mistake in law—Proceedings *ex parte* for frauds against the revenue laws of Jersey—Undefended from mistake of law—Cause remitted to Court below, with liberty to defend.

Re George Whitfield, 2 Moo. P. C. C. 269.

30. Practice—Petition and *Doléance* against Act of the States of Jersey dismissed—Remedy in Island for any damage sustained in the execution of the Act.

Semble.—The Judicial Committee have no jurisdiction to determine matter litigated in inferior Court except on appeal from decision of that Court.

In re Gould, 2 Moo. P. C. C. 188.

31. Practice—Remonstrance or petition to Court of ten members, praying that certain "*Acte*" or decree of that Court might be annulled, or for such other relief as Court might deem fit—Four members of opinion that remonstrance ought not to be received ; three, that "*Acte*" in question ought to be modified ; three, that "*Acte*" ought to be annulled—Reception of remonstrance.

Le Gros v. Le Breton, 2 Knapp, 181.

32. Practice of Royal Court in Jersey—Party reported by the viscount

JERSEY—*continued.*

or sheriff to have repudiated succession in an Act *bénéfice d'inventaire*—Appeal by must be at time inventory is recorded.

Le Feuvre v. Le Feuvre, 2 Moo. P. C. C. 70.

33. Principal and agent—Commission to sell and transfer stock “when the funds should be at 85 per cent., or above that price”—Agent bound to sell when the funds reach 85 per cent.

General rule in Privy Council not to condemn appellant to pay respondent's costs, where judgment of Court below altered on appeal—Alteration obtainable in Court below without appeal—General principle of judgment affirmed—Appellant ordered to pay respondent's costs.

Bertram v. Godfray, 1 Knapp, 381.

34. Prison Board of Jersey—Order in Council 11 December, 1837—Liability for escape of prisoner for debt by gaoler's negligence.

Le Breton v. Aubin, 10 Moo. P. C. C. 17.

35. Rent—A covenant to pay a common rent as seigneurial binding, notwithstanding rent may have been before alienated from fief, and only repurchased by lord.

Lemprière v. Le Brun, 1 Acton, 7.

36. Repair of pavement of S. Helier—No power in Royal Court to appoint commissioners for, and raise cost by tax on inhabitants.

Le Gros v. Le Breton, 2 Knapp, 181.

37. Royal Court, constitution of—Prerogative of Crown to authorize new election on resignation of jurat—Power of Royal Court on death of jurat—*Actes* accepting resignation of two jurats—Petition to Crown against confirmation—Suspension of new elections—Reform of Court.

In re Jersey Jurats, L. R. 1 P. C. 94.

38. Ship—Mortgage of for nominal sum to secure unascertained balance due to mortgagee—Power to sell by public auction, or to hold, enjoy, and possess as sole owner, until full amount of claim satisfied—Default in payment of sum named before real balance ascertained, and pending investigation thereof before arbitrators—Vessel sold by private contract—Sale wrongful, and not warranted by conditions of mortgage deed—Account of value of ship at time of sale—Amount paid to mortgagor.

Appeal *in forma pauperis* allowed, the appellant by petition and affidavit alleging that he was not worth £5, besides wearing apparel, &c.

Bronard v. Dumaresque, 3 Moo. P. C. C. 457.

JERSEY—*continued.*

39. Tenure *d'haubert*—Crown not entitled to *primer seisin*, or *l'année de succession* upon death of lord of manor in Jersey.
Existence of feudal custom in one country, as England, affords no legal inference of its existence in another country, as Jersey.
Attorney-General v. Symonds, 1 Knapp, 390.
40. Trustee—Liability of to account to *cestui que trust* for profits—Possibility of incurring loss—Bankruptcy—Right of creditors to take whole estate of debtor with liabilities.
Williams v. Stevens, L. R. 1 P. C. 352.
41. Vendor and purchaser—Purchase within forty days of death of vendor set aside by heir, such purchases being void by the law of Jersey—No right in purchaser to repayment by heir of purchase-money—Only recoverable from persons to whom given by deceased vendor.
Semble.—Receiver of purchase-money ought to be made party to suit for recovery of property sold under such circumstances.
Marett v. Jennes, 1 Knapp, 103.
42. Wills—*Acte* of 24 June, 1851, Arts. 8, 10—Execution—Attestation—Date sufficiently set forth—Holograph.
Mauger v. Le Gallais, L. R. 1 P. C. 470.
43. Will—Testamentary power—Widow and child—Third of personal estate—Reduction *ad legitimum modum*—Title of executors to possession of testator's estate—Inventory—Citing heir—Heir's title to possession, how acquired—*Le mort saisit le vif*—Executors *procureurs légaux* of heir.
La Cloche v. La Cloche, L. R. 3 P. C. 125.
44. Witness, *inimicitie* of—Admissibility of evidence—Erroneous practice founded on old Norman law, not altered by Judicial Committee—Objection to judge not witness, by old Norman law.
Janerin v. De la Mare, 14 Moo. P. C. C. 334.

GUERNSEY.

1. Aliens domiciled in Island—Deportation of—Advice of bailiff and jurats of Royal Court not necessary—Procedure in conference between bailiff and jurats, and Governor or Lieut.-Governor—Writ of pardon—Verification and registration in Royal Court not necessary—Refusal to discharge on production of writ of pardon—Obedience not to be enforced by Lieut.-Governor by threat of military or other force.
In re Bailiff and Jurats of Royal Court of Guernsey, 5 Moo. P. C. C. 49.

GUERNSEY—continued.

2. *Contrôle de la Reine* of Royal Court, office of—Amalgamation with that of *Procureur de la Reine*—Cognizance of States—Revival of office—Abolition of such office by Order in Council with consent of States.

In re States of Guernsey, 14 Moo. P. C. C. 368.

3. Island of Herm—Dependency of Guernsey—Local taxation—Duty of one shilling per gallon on all spirituous liquors retailed and consumed in Guernsey—Produce to be applied in construction and repair of coast defences, harbours, roads, &c.—Prohibition of importation of spirits into the islands of Sark, Herm, and Jethou—Object to which the tax to be applied no ground of exemption of inhabitants of Herm.

Martyn v. McCulloch, 1 Moo. P. C. C. 308.

4. Poor rate—Power of Royal Court to direct manner in which, and property upon which, to be levied—Rating inhabitants in respect of personal property situate out of Island.

Tupper v. Treasurer of the Hospital of S. Peter Port, 3 Knapp, 406.

ISLE OF MAN.

1. Commutation of Tithe Act, 1839—Lunatics Act, 1860—Rent-charge, rateability of.

Ingram v. Drinkwater, 44 L. J. P. C. 83.

2. Compensation—Right of action taken away.

Great Laxey Mining Co. v. Clague, L. R. 4 App. 115.

3. Customary estates of inheritance—Rights of Crown—Minerals—Clay and sand—Acts of settlement.

Attorney-General for Isle of Man v. Mylchreest, L. R. 4 App. 294.

4. Deeds set aside, execution of which had been obtained by imposition from an imbecile old man—A degree of weakness of mind far below what would be necessary to justify a commission of lunacy, if it had been taken advantage of to procure the execution of a deed, will be sufficient ground for setting that deed aside.

When the Chancellor of the Isle of Man has referred a case to six members of the House of Keys, chosen by the parties, he is not bound by their decision, but may again refer the case to six members of his own selection.

Blackford v. Christian, 1 Knapp, 73.

ISLE OF MAN—*continued.*

5. *Donatio mortis causa*—Evidence—Burden of proof on donee—Why—Jurisdiction of Ecclesiastical Court.
Cosnahan v. Grice, 15 Moo. P. C. C. 215.
6. Dower—Common Law of Isle of Man—Ordinance of 1687—Only *dum sola et casta vixerit*—Forfeiture by birth and affiliation of illegitimate child.
Cain v. Cain, 2 Moo. P. C. C. 222.
7. Equity of redemption of lands in Isle of Man barred by Act of Settlement, passed in island 1703-4, after the lapse of twenty-one years from date of mortgage.
Christian v. Goldie, 2 Moo. P. C. C. 226.
8. Executor—Ecclesiastical law of Isle of Man—Liability for full amount of debts of deceased :—first, if an executor *de son tort*; secondly, omitting to return inventory of assets to Episcopal registry; thirdly, if there be a fraudulent omission in inventory of any part of assets of deceased, of which he has taken possession.
Jackson v. Wilson, 3 Moo. P. C. C. 177.
9. Executor carrying on trade—Liability for trade debts—Rights of trade creditors becoming so after testator's death—Liability of executor of deceased shareholder in Joint Stock Banking Co., for company's debts contracted subsequently to testator's death—Manx Law and English Law same as to principles of partnership.
Labouchere v. Tupper, 11 Moo. P. C. C. 198.
10. Insolvent debtor—Deed void against creditors of—Intack land—Quarter land—When liable to be attached for debt and sold—Debtor in prison—Mortgage in favour of creditors. [See *post*, 18, 19.]
Corlett v. Radcliffe, 14 Moo. P. C. C. 121.
11. Jury, reversal of finding of—Misconduct of—User for 21 years—Prescriptive right—Admission of material but not legal evidence—Rejection of material legal evidence.
Cowin v. Moore, 14 Moo. P. C. C. 354.
12. Jury—Power of Court of Exchequer to summon—Information for intrusion and trespass by Attorney-General on behalf of Crown—Act of Tynwald, 1777—Nonuser of jurisdiction of Crown for benefit of subject—Recognizance to answer costs of appeal by Attorney-General not necessary.
Attorney-General of Isle of Man v. Cowley, 12 Moo. P. C. C. 27.
13. Legitimation by subsequent marriage of parents—Customary law respecting female child entitled as purchaser under trusts of will

ISLE OF MAN—*continued.*

—More than one child born before marriage—Lapse of more than two years.

Quane v. Quane, 8 Moo. P. C. C. 63.

14. Libel—Bishop's charge in Convocation—Privileged communication—Actual malice.

Laughton v. Bishop of Sodor and Man, L. R. 4 P. C. 495.

15. Manor of Isle of Man—Right of tenant to alienate—Manx Act of Settlement, 4 February, 1703—Effect on Act of Tynwald, 24 June, 1645—Non-avoidance of mortgage by mortgagee not coming in to be admitted—Distinction between Records and Court Rolls, s. 5 of Act of Settlement—Change of tenants—Death—Alienation—S. 11 of Act—Grant of customary land to two or more persons valid though only one admissible—Notes of bank—Security in nature of mortgage bond and security of customary freeholds—Failure of bank—Death of partners—Manx Bankruptcy Act of 1817—Negotiable note.

Boardman v. Quayle, 11 Moo. P. C. C. 223.

16. Manor, lord of—Tenants of—Mining rights—Water rights—Act of Tynwald, 1703.

Ballacorkish Mining Co. v. Dumbell, 43 L. J. P. C. 19.

17. Pleading—Averments of fraud—Proof—Finding of jury on question of fact only—Refusal to reverse.

McCore v. Clucas, 7 Moo. P. C. C. 352.

18. Quarter lands and Intack, tenure of, of nature of copyhold—Act of Isle of Man to amend law of mortgage, 1835—Abolition of foreclosure—Right of redemption—Sale. [See *ante*, 10.]

Birnie v. Caystile, 9 Moo. P. C. C. 303.

19. Quarter lands, tenure of—Power of wife to devise moiety of lands in, purchased by husband—Devise to husband, effect of.

La Mothe v. La Mothe, 1 Knapp, 271.

20. Settlement of real estate—Construction of.

Cain v. Teare, 4 Moo. P. C. C. 249.

21. Stone, right to dig for—Not lost by nonuser for twenty-one years if stones, &c., for use of party obtaining them, or to be employed by him for improvement of his own or neighbour's estate. Supplemental Act of Settlement, 6 June, 1704—Discretionary power in Governor to allow exercise of right.

Christian v. Gibson, 3 Moo. P. C. C. 351.

22. Trade, regulation of—Prohibition of goods prohibited in United Kingdom—Variation from time to time with prohibitions in

ISLE OF MAN—*continued*.

United Kingdom—Repeal of prohibition of goods as to the United Kingdom—Repeal as to Isle of Man.

Burrow v. Quirk, 2 Knapp, 79.

23. Water, grant of use of—Absence of objection from grantor or claimant under him during 50 years—Prescriptive right of grantee—Damages for diversion by representative of grantor.

Tobin v. Stowell, 9 Moo. P. C. C. 71.

24. Will—Circumstances at date of—Trust—Expression of hope or confidence—Reversal of decree below without costs—Costs of mortgagees added to their security.

Quayle v. Davidson, 12 Moo. P. C. C. 268.

PRACTICE OF THE JUDICIAL COMMITTEE.

1. Appeal allowed by party absent from colony and without representative in island when decree pronounced, notwithstanding lapse of time. (Newfoundland.)

Henderson v. Henderson, 4 Moo. P. C. C. 259.

2. Appeal—Additional facts. (Hong Kong.)

Lyall v. Jardine, L. R. 3 P. C. 318.

3. Appeal against final judgment, decree or sentence of court, or rule or order having effect of final or definitive sentence—Regulations—Reservation to King in Council upon petition of any person aggrieved by any judgment or determination of court to appeal therefrom, upon such other terms and upon such other regulations and restrictions as to His Majesty should deem fit—No appeal except from a final judgment, decree or sentence, or rule or order having effect of a definitive sentence. (Gibraltar.)

In re Nahon and Pariente, 2 Knapp, 66. See Jam. 20 ; Hg. Kg. 11 ; Jers. 30.

4. Judgment of Q. B. in Canada reversed simply—Transmission of Order in Council to Canada—Recorded by Q. B.—No order by Q. B. on court below—Addition to Order in Council of further direction that judgment of Superior Court (whence appeal originally came) be also reversed, verdict vacated, cause remitted to Superior Court and *venire de novo* awarded. (Canada.)

Montreal Assurance Co. v. McGillivray, 13 Moo. P. C. C. 125.

5. Orders in Council of 20th June, 1831, for allowing appeals from British Guiana, Trinidad, and St. Lucia, rule 11, s. 25—Security to be completed within three months from date of petition for leave to appeal—Waiver—Allowance of appeal—Claim and demand in convention by executor against heiress-at-law and legatee—Plaintiff compelled by process of *gyzeling* to make presentation of accounts—Summoned before the Roll Court in accordance with new practice—Default of appearance—Order to attach—Execution levied—Goods placed in *custodia regis*—Assessment of pecuniary value of sentences—Plaintiff ordered to pay whole amount—Appeal, first, against applying practice introduced pending case; secondly, against decision of Court upon items of account—Cross-appeal—Objections overruled—Items of the account reviewed—Smaller amount of evidence received in defects occasioned by absence of books and vouchers fairly presumable in power of plaintiff. (Berbice.)

Retemeyer v. Obermuller, 2 Moo. P. C. C. 93.

6. Appeal, altering mode of—Proclamation of Governor, dated the 14th of May—Alteration to take effect from 18th—Appeal noted on the 2nd from judgment made on 1st—Petition to appeal presented on 15th—To be prosecuted according to previous practice. *Semble*, Privy Council will not direct a greater security to be entered into by appellant on granting him leave to appeal, than practice to require in colony, although Governor's instructions empowered him to require greater. (Demerara.)

Craig v. Shand, 1 Knapp, 253.

7. Appeal—Power by Statute to H. M. to make rules for—No rules made—Refusal of court below to allow appeal—Appeal allowed by Judicial Committee on special petition. (New South Wales.)

Flint v. Walker, 5 Moo. P. C. C. 179; *Bank of Australasia v. Breillat*, 6 Moo. P. C. C. 152; *Marchioness of Bute v. Mason*, 7 Moo. P. C. C. 1.

8. Appeal—Leave refused because no power by Supreme Court—Leave granted by Judicial Committee to appeal against original decree and also against refusal of leave. (Straits Settlements, Penang Division.)

Neo v. Neo, L. R. 5 P. C. 89.

9. Appeal in action of libel—Privileged communication—Duty of judge—Duty of jury—Special leave—Proper course to apply for a new trial—Objection too late on hearing appeal—Execution stayed on terms. (S. Helena.)

Stace v. Griffith, L. R. 2 P. C. 420.

10. Slave Trade Abolition Act, 3 & 4 Will. 4, c. 73—Grenada Act, No. 250—Jurisdiction of Chief Justice final and conclusive—No appeal to Queen in Council—Petition to Crown through Secretary of State for reference to Judicial Committee for opinion. (Grenada.)
Re Stronach, 2 Moo. P. C. C. 311.
Appeal, compromise of, on terms of paying compensation in respect of slaves subject of appeal—Appeal dismissed on petition, order made on Accountant-General of Court of Chancery to pay appellant the compensation money. (British Guiana.)
McTurk v. Douglas, 6 Moo. P. C. C. 500.
11. Appeal allowed *ex parte*—Costs, security for respondent's—Increase—Length of transcript. (Lower Canada.)
Boswell v. Kilborn, 13 Moo. P. C. C. 476.
12. Appeal in criminal proceeding—Leave granted on *ex parte* application—Rescinded on special petition of the Attorney-General of the Island. (Jersey.)
In re Ames, 3 Moo. P. C. C. 409.
13. Appeal in criminal proceedings—Inexpediency of entertaining—Authority of Crown to review decisions civil and criminal of colonial courts—Proceedings criminal in form, civil in substance—Important question of law and property—Conviction under Ordinance giving no appeal—Advice to H. M. to admit appeal. (Falkland Islands.)
Falkland Islands Co. v. The Queen, 1 Moo. P. C. C., N.S., 299.
14. Appeal from conviction of misdemeanour in Jamaica—Pardon before hearing—Practice. (Jamaica.)
Levien v. Reginam, L. R. 1 P. C. 536.
15. Delay of six years—Leave to prosecute appeal refused—Circumstances over which appellant had no control. (Sierra Leone.)
Lindo v. The King, 1 Moo. P. C. C. 3.
16. Decision in 1819—No step taken for two years previous to the application—Leave to appeal refused.
Semble—Crown has no right greater than subject to be let in to appeal in general case in which its interests are concerned. (Mauritius.)
Laing v. Ingham, 3 Moo. P. C. C. 26.
17. Delay—Bar to appeal—5 Geo. 4, c. 113, s. 29; 3 & 4 Will. 4, c. 41—Incorporation of Acts. (Sierra Leone.)
Logan v. Burslem, 4 Moo. P. C. C. 284.
18. Appeals from Vice-Admiralty Courts abroad—Rules as to, s. 35—

Delay—Ignorance of rule no ground to allow appeal—2 & 3 Vict. c. 51. (S. Helena)

The Queen v. Jose Alves Dias, 6 Moo. P. C. C. 102.

19. Delay of eight years from judgment below—No explanation—Leave to appeal *in formâ pauperis* refused. (Guernsey.)

In re Sarchet, 10 Moo. P. C. C. 533. See N. S. W. 34.

20. Refusal of Royal Court to hear witnesses—Delay—3 & 4 Will. 4, c. 41, s. 7—Special examiner—Appeal to stand over. (Jersey.)

Falle v. Le Sueur, 12 Moo. P. C. C. 501. See Jers. 14.

21. Appeal—Leave improperly obtained—Application to dismiss—Delay till hearing—No costs—Special circumstances—Fresh security. (Canada.)

Sauvageau v. Gauthier, L. R. 5 P. C. 494. See N. S. W. 32.

22. Appeal from sentence of divorce—Charter of Justice—Leave on special petition to Crown. (Mauritius.)

D'Orliac v. D'Orliac, 4 Moo. P. C. C. 374. See N. S. W. 2, 8, 41; Qu. 6; Vict. 24; Can. 27.

23. Appeal—*Ex parte* application—Erroneous statement of facts—Order allowing leave to appeal discharged with costs.

Bulkeley v. Scutz, L. R. 3 P. C. 196. See N. S. W. 7.

24. Foreign appellant, principle of *Logan v. Burslem*, 4 Moo. P. C. C. 284, enforced—Procedure law of the forum binding all. (Sierra Leone.)

Lopez v. Burslem, 4 Moo. P. C. C. 300. See 6 & 7 Vict. c. 38.

25. *Semble*—Guardian—Appeal *in formâ pauperis* by—Special circumstances—Affidavit no solvent next friend of infant. (Jersey.)

Gaudin v. Messervy, 2 Moo. P. C. C., N. S., 372.

26. Appellant admitted to appeal *in formâ pauperis*. (Jersey.)

In re Lemprière, 11 Moo. P. C. C. 398. See *ante*, 19; Jers. 38.

27. Appeal *in formâ pauperis*—Sureties for prosecuting dispensed with. (Jersey.)

Brouard v. Dumaresq, 6 Moo. P. C. C. 412.

28. Appeal *in formâ pauperis*—Costs, security for, dispensed with—Certificate of counsel. (Isle of Man.)

Kelly v. Corlett, 14 Moo. P. C. C. 89. See Sierra Leone 6, Jers. 38.

29. Appeal—Judgments written after judgment delivered and sent to England for appeal—Condemnation of such course. (Canada.)
Brown v. Gagy, 2 Moo. P. C. C., N. S., 341.
30. Appeal—Laches of respondent—Ejectment by appellant in Ceylon—Bill in Court of Chancery in England by respondent to establish sale of some lands—Omission to put real question in issue in District Court of Ceylon through fault of respondent—Decree of that Court in appellant's favour—New trial granted by Supreme Court—Appeal to Judicial Committee dismissed on terms of respondent's consenting to dismissal of bill in England with costs and paying costs in Court below—Otherwise order granting new trial reversed—Supreme Court of Ceylon to ascertain mesne profits. (Ceylon.)
Anstruther v. Arabin, 6 Moo. P. C. C. 286.
31. Appeal in matrimonial suits—None under Charter of Justice—Allowance of on special petition—Practice in incompetent appeals. (Mauritius.)
Shire v. Shire, 5 Moo. P. C. C. 81.
32. Appeal—Petition for leave—Canadian Act, 38 Vict. c. 11, s. 47—Prerogative—Small amount at issue—No general principle involved. (Canada.)
Johnston v. Ministers, &c., of S. Andrew's Church, Montreal,
L. R. 3 App. 159. See *post*, 56.
33. Appeal, security for prosecution of—Bond for—No sureties to—Death of appellant—Revival against executors—Application for executors to give security—Original papers and documents on file of Court but not part of record—Canadian Act, 34 Geo. 3, c. 2, s. 35. (Upper Canada.)
Powell v. Washburn, 2 Moo. P. C. C. 199.
34. Appeal allowed, though security for prosecuting same not perfected in due time, through suspension and removal of judge in colony and consequent imperfect constitution of Court. (S. Lucia.)
Inglis v. De Barnard, 3 Moo. P. C. C. 425.
35. Appeal—Time for—Year and day—Rule not imperative on King in Council—No right to complain for respondents. (Lower Canada.)
S. Louis v. S. Louis, 1 Moo. P. C. C. 143.
36. Appeal—Time for—Discretion to admit—Awaiting decision on

pending appeal—Costs—Further security—26 & 27 Vict. c. 24, s. 23. (Sierra Leone.)

Casanova v. The Queen, 3 Moo. P. C. C., N. S., 484.

37. Appeal—Time for—Year after leave refused below—Action against D. as executor and as husband of sole heiress—Death of D.'s wife a few days before final sentence in Court below, leaving him by her will joint heir with her children of her property and appointing the O. B. guardians of the children—Petition by D. and the O. B. to Court below for leave to appeal—Refused the O. B., granted to D.—Right of O. B. to intervene after sentence for purpose of appealing, and to prosecute appeal although appeal of D. dismissed for want of prosecution—Appeal dismissed on account of neglect of guardians of infants—Right of infants on coming of age to revive.

Appellant not permitted to insist that judgment appealed against void for want of parties to suit in which made, objection not having been taken below—Accounts opened after final settlement acquiesced in for five years, if circumstances tending to show fraud in one of the accounting parties then discovered and he agrees to submit them to arbitration—Award invalid if one of parties to reference dies before it is made unless heirs of parties expressly named in submission to arbitration. (Cape of Good Hope.)

Orphan Board v. Van Reenen, 1 Knapp, 83.

38. Appeal—No power in Judicial Committee to extend time for—5 Geo. 4, c. 113, s. 29. (S. Lucia.)

Muter v. Chipchase, 1 Moo. P. C. C. 1.

39. Appeal—Want of prosecution—Dismissal.

Semble—Not necessary for respondent to lodge printed case and appendix before moving to dismiss appeal for non-prosecution. (Trinidad.)

Jackson v. Prothero, 3 Moo. P. C. C. 490.

40. Appeal—Witnesses improperly discredited below—No ground for. (Gibraltar.)

Santacana v. Ardevol, 1 Knapp, 269.

41. Appeal from Court of Assize—No writ of error to Court of Errors—7 & 8 Vict. c. 69. (Jamaica.)

In re George Barnett, 4 Moo. P. C. C. 453.

42. Appeal—Writ of error—Refusal to enter upon by Court of Error of Antigua—Not properly constituted Court—No appeal from refusal to Queen in Council—No appeal from the Court of Common

Pleas in Antigua except to Court of Error in the island—Judgment from that Court necessary to give Judicial Committee jurisdiction. (Antigua.)

In re Assignees of Manning, 3 Moo. P. C. C. 154. See now 7 & 8 Vict. c. 69, s. 1.

43. Direct appeal to Her Majesty in Council from Supreme Court—Order in Council, May 10, 1860—Refusal to allow appeal from order made before—Special leave.

Bunny v. Judges of New Zealand, 15 Moo. P. C. C. 164.

44. Appealable value—Penalties for harbouring apprenticed labourers—Amount within sum specified in 47th & 48th Instructions of 1709—Leave to appeal refused. (Jamaica.)

In re Harvey, 3 Moo. P. C. C. 148.

45. Appealable value—Limitation by colonial Act of—Imperial Act—All laws by colonial Legislature valid—Colonial Court of Appeal to be subject to such appeal as before and to such other provisions as made by Colonial Act—Petition for leave to appeal not entertained—Special saving in colonial Act of rights and prerogatives of Crown. (Lower Canada.)

Cuviller v. Aylwin, 2 Knapp, 72.

Overruled by *Cushing v. Dupuy*, L. R. 5 App. 409.

46. Appealable value—Appeal to Governor and Council from Supreme Court—From Council to Her Majesty—No appeal from Supreme Court to Her Majesty—Advice to allow appeal to Governor and Council. (Prince Edward's Island.)

In re Cambridge, 3 Moo. P. C. C. 175.

47. Appealable value, how determined—Canadian Act, 34 Geo. 3, c. 6., s. 30, to what extent interest of party affected by judgment—Leave to appeal granted by colonial Court under colonial Statute—Right of H. M. in Council to entertain petition to rescind. (Lower Canada.)

Macfarlane v. Leclaire, 15 Moo. P. C. C. 181.

48. Appealable value—Adding costs. (Canada.)

G. W. Rail. of Canada v. Braid, 1 Moo. P. C. C., N. S., 101.

49. Appealable value—Leave given to appeal though subject matter of suit below.

Attorney-General of Jersey v. Le Capelain, 4 Moo. P. C. C. 37.

50. Appealable value—Amount below—Refusal of Governor and

Council to hear counsel in support of the rule on merits of case or questions of law raised—Leave to appeal. (Sierra Leone.)

Patnelli v. Heddle, 8 Moo. P. C. C. 41. See Vict. 33.

51. Appealable valuable £1,000—Subject matter £970—Leave to appeal from order refusing fourth new trial. (Van Diemen's Land.)

In re Sherwin, 4 Moo. P. C. C. 311.

52. Appealable value—Special leave—Validity of fiat of insolvency—Appealable grievance. (Jamaica.)

In re Abrahams, 2 Moo. P. C. C., N. S., 241.

53. Appealable value—Matter of public interest to large class in colony—Constitution of colonial Act—Appeal limited to. (S. Australia.)

Brown v. McLaughan, L. R. 3 P. C. 458.

54. Appealable value—Cases concerning titles to lands or tenements, annual rents, rights in future of parties. (Canada.)

Sauvageau v. Gauthier, L. R. 5 P. C. 494.

55. Appealable value—Leave to appeal granted from decrees directing children to be removed from mother's guardianship. (Malta.)

Camilleri v. Fleri, 5 Moo. P. C. C. 161.

56. Appealable value—Question of importance—Leave. (Mauritius.)

Peninsular and Oriental Steam Navigation Co. v. Shand, 3 Moo. P. C. C., N. S., 272. See Vict. 24; Jam. 30; ante, 32.

57. Appealable value—Special petition for leave to appeal—Interest on judgment—Important questions of mercantile law—Action of similar nature—Continuing contract—Canadian Act, 34 Geo. 3, c. 6, s. 30; Judicature Act—Canadian Act, 12 Vict. c. 37—Substitution of Queen's Bench for Court of Appeals in Canada. (Canada.)

Boswell v. Kilborn, 12 Moo. P. C. C. 467.

58. Appealable value—Question of importance—Sum involved uncertain—Leave given—Security for respondent's costs to be lodged within three months of order giving leave. (Jamaica.)

Churchwardens of St. George, Jamaica, v. May, 12 Moo. P. C. C. 282. See Jamaica, 30.

59. Appealable value—Rate for relief of poor—Assessments on rate-payers, separately and collectively, less than sum fixed. (Guernsey.)

NOTE. Whenever the Royal Courts of Guernsey and Jersey refuse to grant permission to a party to appeal, and a petition for that purpose is presented to the King in Council, a letter is sent to them from the Council Office desiring them to state the reasons

of their refusal, to which they return answers signed by the bailiffs. This practice does not extend to petitions for leave to appeal from the Courts of any other of His Majesty's dominions.

In re Tupper, 2 Knapp, 201.

60. Appealable value, amount recovered under—Other actions on same transaction decided by same judgment—Leave granted—Observations as to prerogative of Crown to grant appeal to England notwithstanding colonial Act. (Lower Canada.)

In re Marois, 15 Moo. P. C. C. 189.

61. Appealable value—Amount under—Actions in nature of petition of right—Colonial Act, 28 Vict. No. 241—Judgments against Crown—Refusal of leave to appeal—Terms of Attorney-General in colony paying verdict and costs—Leave given on special petition to Judicial Committee without terms or security—Consolidation of appeals. (Victoria.)

In re Attorney-General of Victoria, L. R. 1 P. C. 147.

62. Appealable value £300—Documents sued for of no value—Special leave to appeal granted on allegation they exceeded £300 in value—Allegation shown unfounded in fact at hearing—Case stopped, appeal dismissed with costs. (Barbadoes.)

Wilson v. Callender, 9 Moo. P. C. C. 100.

63. Appealable value—Erroneous calculation—Leave to appeal obtained *ex parte*—Order discharged on petition. (Lower Canada.)

Quebec Fire Assurance Co. v. Anderson, 13 Moo. P. C. C. 477.

64. Appealable value—Too late to take objection at hearing—Motion to dismiss appeal—Proper course. (Natal.)

Aldridge v. Cato, L. R. 4 P. C. 313. See Vict. 33; Malta, 7.

65. Costs—Security, amount of—Appeal allowed reducing—Divorce *a vinculo*. (Mauritius.)

Hulm v. Hulm, 4 Moo. P. C. C. 262.

66. Costs, security for—Appeal from sentence of Lieut.-Governor passed without hearing appellant—Execution delayed. (Heligoland.)

Siemens v. Heirs of Bufe, 11 Moo. P. C. C. 62.

67. Costs, security for—Colonial Act, 15 Vict. c. 10—Bond not filed within three months—Revocation of leave by Supreme Court—Special leave on petition to Judicial Committee—Security for costs given in England—Liberty to apply to Court in Victoria to cancel bond. (Victoria.)

Webster v. Power, L. R. 1 P. C. 150. See *ante*, 5; *Sierra Leone*, 6; N. S. W. 37; Vict. 8; N. Zeal. 1; Maur. 8.

68. Costs given to appellants—Points of law involved in appeals determined in two previous appeals against same respondents. (Jamaica.)
Nedham v. Simpson, 2 Knapp, 1. See N. S. W. 33, 35 ; Jera 33.
69. Counsel, number of entitled to be heard—Two distinct appeals against same respondent—Defence to each appeal in substance same. (British Guiana.)
In re Downie, 3 Moo. P. C. C. 414.
70. Death of defendant—Revivor in name of official representative of estate. (Jersey.)
La Cloche v. La Cloche, L. R. 4 P. C. 325.
71. Documents improperly included in transcript. (Canada.)
Mots v. Moreau, 13 Moo. P. C. C. 376.
72. Evidence not tendered below—Reception of by Judicial Committee. (Barbadoes.)
Guimaraens v. Preston, 4 Moo. P. C. C. 167. See Gib. 6, 10.
73. Nonsuit—Error on—No nonsuit on wrong venue—Appeal from Assize Court direct to Queen in Council under 7 & 8 Vict. c. 69. (Jamaica.)
Hitchins v. Hollingsworth, 7 Moo. P. C. C. 228.
74. Objection not raised below not to be taken on appeal unless patent on face of proceedings. (New South Wales.)
Devine v. Holloway, 14 Moo. P. C. C. 290.
75. Proxies—Rules and Regulations under 2 Will. 4, c. 5, s. 1, and Order in Council 27 June 1832—Production of proxy—Burden of proof—Vice-Admiralty Courts. (Malta.)
Harvey v. Owners of the Euzine, L. R. 4 P. C. 8.
76. Record transmitted by Court below alone looked at—Shorthand writer's notes not received to impeach judge's notes. (Cape of Good Hope.)
Stanford v. Brunette, 14 Moo. P. C. C. 60.
77. Reference, order of, to take accounts, &c., made pursuant to 3 & 4 Will. 4, c. 41, s. 17, notwithstanding dissent of respondent's counsel to Court referring same. (Canada.)
Hutchinson v. Gillespie, 4 Moo. P. C. C. 378.
78. Reference by Privy Council to Court below as to part of their practice—Certificate not disputable unless petition praying for fresh

reference presented, and supported by affidavits disputing the accuracy of certificate. (Jersey.)

Le Quesne v. Nicolle, 1 Knapp, 257.

79. Reversal of judgment, construction of Order in Council.

Rodger v. Comptoir d'Escompte de Paris, L. R. 3 P. C. 465 ;
7 Moo. P. C. C., N. S., 314.

80. Transmission on petition of originals to compare handwriting.

McCarthy v. Judah, 12 Moo. P. C. C. 47.

81. Waiver—Consent—Infant—Appealing contrary to agreement—Objection when to be taken.

Pisani v. Attorney-General for Gibraltar, L. R. 5 P. C. 516.



TOPICS OF ENGLISH LAW

DEALT WITH IN THE FOREGOING CASES.

Alien	Canada, 2 ; Mauritius, 1.
Annuity, suspension } of on marriage, } revival }	New South Wales, 1.
Assignment for benefit } of creditors }	Cape, 1.
Bailment	South Australia, 1 ; Victoria, 1.
Bank, transactions } with branch . . . }	New South Wales, 3.
Bankruptcy	New South Wales, 4 ; Jamaica, 10. See <i>Insolvency.</i>
Bill of Exchange . . .	Cape, 14 ; South Australia, 3 ; Victoria, 3 ; Malta, 7 ; British Guiana, 2 ; Hong Kong, 3 ; Jamaica, 4. See <i>Promissory</i> <i>Note.</i>
Bill of Lading	Canada, 6 ; Hong Kong, 5.
Company	Victoria, 4—7 ; power to mortgage unpaid capital, S. Australia, 5.
Compensation	Isle of Man, 2.
Contract	New South Wales, 8 ; Mauritius, 5 ; Canada, 13, 14 ; British Guiana, 3 ; Jersey, 7.
Deed	Isle of Man, 3.
Defamation	Jersey, 13 ; Isle of Man, 14.
Domicile	New South Wales, 15.
Donatio mortis causa .	Isle of Man, 5.
Escheat	Jamaica, 13.
Evidence	Windward Islands, 5.

Executors Jamaica, 15.
Expectancy Jersey, 16.
Extradition Hong Kong, 7.

Factor, advance by, re
 vocability of au- } New South Wales, 16.
 thority to sell }

Felony, new trial for . New South Wales, 9—11.
Foreign corporation . West Australia.
Foreign insolvency . . South Australia, 3.
Foreign judgment . . Malta, 3 ; British Guiana, 8.
Fraud Victoria, 12 ; Canada, 26.

Habeas corpus . . . Victoria, 32 ; Hong Kong, 7 ; Jersey, 17.

Insolvency, joint debt, }
 separate security } Victoria, 14. See *Bankruptcy*.

Lien New South Wales, 30.

Loan, goods entrusted
 for sale on commis- }
 sion as security, } New South Wales, 13.
 subsequent assign- }
 ment to trustee for }
 creditors }

Marine insurance . . Cape, 11 ; seaworthiness, stages of voyage,
 Canada, 42 ; loss by peril not insured
 against, abandonment, Canada, 43.

Married woman . . . Victoria, 26.

Mercantile instru- }
 ments, construc- } Malta, 5.
 tion of . . . }

Mortgage New South Wales, 32 ; New Zealand, 2 ;
 Canada, 44.

Negligence Victoria, 30.

Partnership New South Wales, 36 ; Jamaica, 24 ; Wind-
 ward Islands, 14 ; Hong Kong, 8.

Petition of Right . . . Natal, 5.

Pledge Canada, 53.

Prescription Jersey, 28.

Principal and agent . New South Wales, 40, 41 ; Victoria, 3 ; Canada,
 58, 59 ; Malta, 6, 7 ; Jamaica, 28 ; Jersey, 33.

- Principal and surety** . Canada, 60 ; Jamaica, 25 ; Windward Islands, 16 ; Victoria, 37.
- Probate** New South Wales, 42 ; Jamaica, 27 ; Windward Islands, 17.
- Promissory note** . . . Ceylon, 9. See *Bill of Exchange*.
- Restraint of trade** . . Victoria, 38.
- Sale** Cape, 14 ; Canada, 69—72 ; Ceylon, 10 ;
lien of unpaid vendor, Victoria, 35.
- Salvage** Cape, 15 ; deviation to salve, Malta, 8 ;
S. Helena, 1.
- Satisfaction** Canada, 73.
- Servants of Crown, liability, Petition of Right** } Natal, 5.
- Sheriff** New South Wales, 44.
- Ship and Shipping** . . New South Wales, 45, 46 ; Hong Kong, 10,
11 ; Ceylon, 7 ; Mauritius, 12.
- Statute of Frauds** . . New South Wales, 48.
- Statute of Limitations** New South Wales, 49, 50.
- Wager** New South Wales, 51.
- Water** Isle of Man, 23 ; Canada, 86.
- Will** New South Wales, 53—55 ; New Zealand,
7 ; Jamaica, 32 ; Isle of Man, 24.

INDEX OF NAMES OF THE CASES IN THE TOPICAL INDEX.

	PAGE
ABBOTT <i>v.</i> FRASER, L. R. 6 P. C. 96 ; 44 L. J. P. C. 26	125
Abrahams, <i>in re</i> , 2 Moo. P. C. C., N. S., 241	172
Adam, <i>in re</i> , 1 Moo. P. C. C. 460	153
Agacio <i>v.</i> Forbes, 14 Moo. P. C. C. 160	150
Ahier <i>v.</i> Westaway, 9 Moo. P. C. C. 395	156
Albouy <i>v.</i> Retemeyer, 3 Moo. P. C. C. 452	148
Aldridge <i>v.</i> Cato, L. R. 4 P. C., 313 ; 9 Moo. P. C. C., N. S., 1	101
Allen <i>v.</i> Kemble, 6 Moo. P. C. C. 314	145
Ames, <i>in re</i> , 3 Moo. P. C. C. 409	167
Anstruther <i>v.</i> Arabin, 6 Moo. P. C. C. 286	169
Antigua, <i>in re</i> Justices of Common Pleas at, 1 Knapp, 267	139
Armytage <i>v.</i> Wilkinson, L. R. 3 App. 355 ; 47 L. J. P. C. 31	113
Aronegary <i>v.</i> Sambonade, L. R. 6 App. 364 ; 50 L. J. P. C. 28	152
Arrindell, <i>in re</i> , 3 Moo. P. C. C. 414	174
Attorney-General <i>v.</i> Symonds, 1 Knapp, 390	161
— — for British Honduras <i>v.</i> Bristowe, L. R. 6 App. 143 ; 50 L. J. P. C. 15	138
— — of Hong Kong <i>v.</i> Kwok-a-sing, 42 L. J. P. C. 64	150
— — Isle of Man <i>v.</i> Cowley, 12 Moo. P. C. C. 27	163
— — Isle of Man <i>v.</i> Mylchreest, L. R. 4 App. 294 ; 48 L. J. P. C. 36	162
— — Jamaica <i>v.</i> Manderson, 6 Moo. P. C. C. 239	136
— — Jersey <i>v.</i> Le Capelain, 4 Moo. P. C. C. 37	156
— — Newfoundland <i>v.</i> Cuddily, 1 Moo. P. C. C. 82	126
— — — <i>v.</i> Ryan, 1 Moo. P. C. C. 87	126
— — New South Wales <i>v.</i> Macpherson, L. R. 3 P. C. 268 ; 7 Moo. P. C. C., N. S., 49	107
— — New South Wales <i>v.</i> Bertrand, L. R. 1 P. C. 520 ; 4 Moo. P. C. C., N. S., 460 ; 36 L. J. P. C. 51	104
— — Victoria, <i>in re</i> , L. R. 1 P. C. 147	173
— — — 3 Moo. P. C. C., N. S., 527	113
— — Victoria <i>v.</i> Ettershank, L. R. 6 P. C. 354 ; 44 L. J. P. C. 65	112
— — Victoria <i>v.</i> Glass, L. R. 6 P. C. 375	112
Australasia, Bank of, <i>v.</i> Breillat 6 Moo. P. C. C. 152	104

	PAGE
Australasia, Bank of, <i>v.</i> Flower, 35 L. J. P. C. 13	111
— — <i>v.</i> Harris, 15 Moo. P. C. C. 97	109
Australian Steam Navigation Co. <i>v.</i> Morse, 8 Moo. P. C. C., N. S., 482	108
Ayers <i>v.</i> South Australian Banking Co., L. R. 3 P. C. 548; 7 Moo. P. C. C., N. S., 432; 40 L. J. P. C. 22	110
BAILIFF and Jurats of Royal Court of Guernsey, <i>in re</i> , 5 Moo. P. C. C. 49	161
Baily <i>v.</i> Amy, L. R. 6 P. C. 146	157
Balfour <i>v.</i> Watt, 8 Moo. P. C. C. 190	133
Ballacorkish Mining Co. <i>v.</i> Dumbelly, 43 L. J. P. C. 19	164
Balston <i>v.</i> Bird, 1 Knapp, 121	100
Bank of Australasia <i>v.</i> Breillat, 6 Moo. P. C. C. 152	104
— — <i>v.</i> Flower, 35 L. J. P. C. 13	111
— — <i>v.</i> Harris, 15 Moo. P. C. C. 97	109
— British North America <i>v.</i> Cu villier, 14 Moo. P. C. C. 187	122
— — — <i>v.</i> Strong, L. R. 1 App. 307	127
— Montreal <i>v.</i> Simson, 14 Moo. P. C. C. 417	124
— New South Wales <i>v.</i> Owston, L. R. 4 App. 270; 48 L. J. P. C. 25	107
— South Australia <i>v.</i> Abrahams, 44 L. J. P. C. 76	110
— Upper Canada <i>v.</i> Bradshaw, L. R. 1 P. C. 479; 4 Moo. P. C. C., N. S., 406	121
— Van Diemen's Land <i>v.</i> Bank of Victoria, 7 Moo. P. C. C., N. S., 401; 40 L. J. P. C. 28	111
Barclay <i>v.</i> Bank of New South Wales, L. R. 5 App. 374	107
Barnett, Geo., <i>in re</i> , 4 Moo. P. C. C. 453	170
Barnhart <i>v.</i> Greenshields, 9 Moo. P. C. C. 18	119
Barton <i>v.</i> Field, 4 Moo. P. C. C. 273	129
Barton <i>v.</i> Muir, L. R. 6 P. C. 134; 44 L. J. P. C. 19	105
Barton <i>v.</i> Reg., 2 Moo. P. C. C. 19	130
Bateman's Trust, <i>in re</i> , L. R. 15 Eq. 355	104
Bateman <i>v.</i> Service, L. R. 6 App. 386; 50 L. J. P. C. 41	114
Bathurst, Borough of, <i>v.</i> Macpherson, L. R. 4 App. 256; 48 L. J. P. C. 61	105
Beacon Life and Fire Assurance Co. <i>v.</i> Gibb, 1 Moo. P. C. C., N. S., 73	116
Beaudry <i>v.</i> Mayor, &c., of Montreal, 11 Moo. P. C. C. 399	119
Beaucé <i>v.</i> Muter, 5 Moo. P. C. C. 69	142
Beaumont <i>v.</i> Barrett, 1 Moo. P. C. C. 59	135
Becquet <i>v.</i> Lemprière, 1 Knapp, 376	157
Bedard, <i>in re</i> , 7 Moo. P. C. C. 23	119
Bell <i>v.</i> Corporation of Quebec, L. R. 5 App. 84; 49 L. J. P. C. 1	125
Bell <i>v.</i> Master in Equity of Supreme Court of Victoria, L. R. 2 App. 560	114

	PAGE
Bell v. Receiver-General of Southland, L. R. 1 App. 707; 45 L. J. P. C. 47	115
Bellingham v. Freer, 1 Moo. P. C. C. 333	122
Belson v. Belson, 7 Moo. P. C. C. 30	156
Belson, <i>in re</i> , 7 Moo. P. C. C. 114	157
Benecke v. Whittall, L. R. 2 App. 602; 46 L. J. P. C. 81	149
Benest v. Pipon, 1 Knapp, 60	159
Bertram v. Duhamel, 2 Moo. P. C. C. 212	156
Bertram v. Godfrey, 1 Knapp, 381	160
Biccard v. Shepherd, 14 Moo. P. C. C. 471	100
Birnie v. Caystile, 9 Moo. P. C. C. 303	164
Bishop of Cape Town v. Bishop of Natal, L. R. 3 P. C. 1; 6 Moo. P. C. C., N. S., 203.	101
Bishop of Natal, <i>in re</i> , 3 Moo. P. C. C., N. S., 115	99
Blachford v. Christian, 1 Knapp, 73	162
Black v. Rose, 2 Moo. P. C. C., N. S., 277	152
Blackburn v. Flavell, L. R. 6 App. 628; 50 L. J. P. C. 58	105
Blackmore v. North Australian Co., L. R. 5 P. C. 24; 43 L. J. P. C. 1	110
Blackwood v. London Chartered Bank of Australia, L. R. 5 P. C. 92; 43 L. J. P. C. 25	105
Board of Orphans v. Kraegelius, 9 Moo. P. C. C. 438	146
Boardman v. Quayle, 11 Moo. P. C. C. 223	164
Booth v. A'Beckett, 1 Moo. P. C. C., N. S., 201	114
Borough of Bathurst v. Macpherson, L. R. 4 App. 256; 48 L. J. P. C. 61	105
Boston v. Lelièvre, L. R. 3 P. C. 157; 5 Moo. P. C. C., N. S., 427; 39 L. J. P. C. 17	116
Boswell v. Kilborn, 12 Moo. P. C. C. 467	172
— — — — — 13 Moo. P. C. C. 476	167
— — — — — 15 Moo. P. C. C. 309	123
Bourgoin v. La Compagnie du Chemin de Fer de Montréal, &c., L. R. 5 App. 381; 49 L. J. P. C. 68	122
Bowerbank v. Bishop of Jamaica, 2 Moo. P. C. C. 449	134
Bowes v. City of Toronto, the, 11 Moo. P. C. C. 463	124
Brasyer v. Maclean, L. R. 6 P. C. 398; 44 L. J. P. C. 79	107
British Honduras, Attorney-General for, v. Bristowe, L. R. 6 App. 143; 50 L. J. P. C. 15	138
British North America, Bank of, v. Cuvillier, 14 Moo. P. C. C. 187	122
— — — — — v. Strong, L. R. 1 App. 307	127
Brouard v. Dumaresque, 3 Moo. P. C. C. 457	160
Brouard v. Dumaresq, 6 Moo. P. C. C. 412	168
Brown v. Anderson, 2 Moo. P. C. C. 249	144
Brown v. Curé, &c., de Montréal, L. R. 6 P. C. 157; 44 L. J. P. C. 1	116
Brown v. Gugsy, 2 Moo. P. C. C., N. S., 341	121
Brown v. McLachlan, L. R. 4 P. C. 543; 9 Moo. P. C. C., N. S., 384; 42 L. J. P. C. 18	110
Brown v. McLaughan, L. R. 3 P. C. 458; 7 Moo. P. C. C., N. S., 306	172
Browning v. Provincial Insurance Co. of Canada, L. R. 5 P. C. 263	121
Bugeja v. Camilleri, L. R. 3 P. C. 258; 7 Moo. P. C. C., N. S., 35	131

	PAGE
Bulkeley v. Scutz, L. R. 3 P. C. 196 ; 6 Moo. P. C. C., N. S., 481	198
Bullen v. A'Beckett, 1 Moo. P. C. C., N. S., 223	112
Bunny v. Hart, 11 Moo. P. C. C. 189	115
Bunny v. Judges of New Zealand, 15 Moo. P. C. C. 164	171
Burrow v. Quirk, 2 Knapp, 79	165
Buta, Marchioness of, v. Mason, 7 Moo. P. C. C. 1	107
Butta, in re, 3 Moo. P. C. C. 441	148
— — 4 Moo. P. C. C. 92	147
Byfoged Christensen, the, L. R. 4 App. 669	128
CAIN v. Cain, 2 Moo. P. C. C. 222	163
Cain v. Teare, 4 Moo. P. C. C. 249	164
Cambernon v. Egroignard, 1 Knapp, 251	154
Cambridge, in re, 3 Moo. P. C. C. 175	128
Cameron v. Fraser, 4 Moo. P. C. C. 1	148
Cameron v. Kyte, 3 Knapp, 332	147
Campbell v. Dent, 2 Moo. P. C. C. 292	145
Canepa v. Larion, 2 Knapp, 276	128
Cape Breton, in re Island of, 5 Moo. P. C. C. 259	128
Cape Divisional Council v. De Villiers, L. R. 2 App. 567 ; 46 L. J. P. C. 95	100
Cape Town, Bishop of, v. Bishop of Natal, L. R. 3 P. C. 1 ; 6 Moo. P. C. C., N. S., 203 ; 38 L. J. P. C. 58	101
Carmichael v. Brodie, 4 Moo. P. C. C., N. S., 374	155
Casanova v. Reg., 3 Moo. P. C. C., N. S., 484	102
— — L. R. 1 P. C. 268 ; 4 Moo. P. C. C., N. S., 121 ; 36 L. J. P. C. 3	102
Castrique v. Buttigieg, 10 Moo. P. C. C. 94	132
Chambers v. Davidson (in re Leith's Estate), L. R. 1 P. C. 296 ; 4 Moo. P. C. C., N. S., 158 ; 36 L. J. P. C. 17	141
Chapman v. British Guiana Bank, 6 Moo. P. C. C. 23	148
Chapman v. Oriental Bank Corporation, 2 Moo. P. C. C., N. S., 463	153
Chartered Mercantile Bank of India, London, and China v. Dickson, 8 Moo. P. C. C., N. S., 1	152
Chasteauneuf v. Capeyron, L. R. 7 App. 127 ; 51 L. J. P. C. 37	154
Chaudière Gold Mining Company v. Desbarats, L. R. 5 P. C. 277 ; 42 L. J. P. C. 73	120
Cherry v. Colonial Bank of Australasia, 6 Moo. P. C. C., N. S., 235 ; 38 L. J. P. C. 49	111
Christian v. Gibson, 3 Moo. P. C. C. 351	164
Christian v. Goldie, 2 Moo. P. C. C. 226	163
Churchwardens of St. George, Jamaica, v. May, 12 Moo. P. C. C. 282	172
Citizens' Insurance Co. v. Parsons, L. R. 7 App. 96 ; 51 L. J. P. C. 11	119
Clark v. Elphinstone, L. R. 6 App. 164 ; 50 L. J. P. C. 22	152
Cloete v. Reg., 8 Moo. P. C. C. 484	101
Collins v. Locke, L. R. 4 App. 674 ; 48 L. J. P. C. 68	114
Colonial Bank of Australasia v. Willan, L. R. 5 P. C. 417 ; 43 L. J. P. C. 39	111

	PAGE
Colonial Bank <i>v.</i> Cazabon, 7 Moo. P. C. C. 412	144
— — <i>v.</i> Warden, 5 Moo. P. C. C. 340	141
Commercial Bank of Canada <i>v.</i> G. W. R. Co. of Canada, 3 Moo. P. C. C., N. S., 295	122
Connecticut Mutual Life Insurance Co. of Hartford <i>v.</i> Moore, L. R. 6 App. 644	119
Connolly <i>v.</i> Maclaren, L. R. 4 P. C. 262	123
Corlett <i>v.</i> Radcliffe, 14 Moo. P. C. C. 121	163
Cosnahan <i>v.</i> Grice, 15 Moo. P. C. C. 215	163
Counter <i>v.</i> Macpherson, 5 Moo. P. C. C. 83	123
Courtaux <i>v.</i> Hewetson, L. R. 6 P. C. 407; 44 L. J. P. C. 86	154
Cowin <i>v.</i> Moore, 14 Moo. P. C. C. 354	163
Craig <i>v.</i> Shand, 1 Knapp, 253	166
Crédit Foncier <i>v.</i> Amy, L. R. 6 P. C. 146	157
Curé de Verchères <i>v.</i> Corporation of Verchères, L. R. 6 P. C. 330; 44 L. J. P. C. 34	121
Cushing <i>v.</i> Dupuy, L. R. 5 App. 409; 49 L. J. P. C. 63	117
Cuvillier <i>v.</i> Aylwin, 2 Knapp, 72	171
D'ALLAIN <i>v.</i> Le Breton, 11 Moo. P. C. C. 64	155
Daniel <i>v.</i> Trotman, 1 Moo. P. C. C., N. S., 123	141
Daniell <i>v.</i> Sinclair, L. R. 6 App. 181; 50 L. J. P. C. 50	115
Davenport <i>v.</i> Reg. L. R. 3 App. 115; 47 L. J. P. C. 8	109
Davidson's Settlement Trusts, <i>In re</i> , L. R. 3 Eq. 383	109
Day <i>v.</i> Day, L. R. 3 P. C. 751; 8 Moo. P. C. C., N. S., 152; 40 L. J. P. C. 35	108
Dean <i>v.</i> Byrnes, 3 Moo. P. C. C., N. S., 92	104
De Brettes <i>v.</i> Goodman, 9 Moo. P. C. C. 466	143
De Comas <i>v.</i> Prost, 3 Moo. P. C. C., N. S., 158	104
De Cordova <i>v.</i> De Cordova, L. R. 4 App. 692	135
De Gaspé <i>v.</i> Bessener, L. R. 4 App. 135; 48 L. J. P. C. 1	121
Del Campo <i>v.</i> Reg. 2 Moo. P. C. C. 15	130
Denton <i>v.</i> Davy, 1 Moo. P. C. C. 15	133
Denyssen <i>v.</i> Botha, 13 Moo. P. C. C. 352	100
— <i>v.</i> Mostert, L. R. 4 P. C. 236; 8 Moo. P. C. C., N. S., 502; 41 L. J. P. C. 41	100
D'Epinay <i>v.</i> Cockerell, 1 Moo. P. C. C. 103	154
Devine <i>v.</i> Holloway, 14 Moo. P. C. C. 290	106, 174
Dias <i>v.</i> De Livera, L. R. 5 App. 123; 49 L. J. P. C. 26	152
Dill <i>v.</i> Murphy, 1 Moo. P. C. C., N. S., 487	113
Dimech <i>v.</i> Corlett, 12 Moo. P. C. C. 199	132
Dines <i>v.</i> Wolfe, 5 Moo. P. C. C., N. S., 382	105
Dionissis <i>v.</i> Reg., 3 Moo. P. C. C., N. S., 181	140
Direct United States Cable Co. <i>v.</i> Anglo-American Telegraph Co., L. R. 2 App. 394; 46 L. J. P. C. 71	126
Divisional Council of the Cape Division <i>v.</i> De Villiers, L. R. 2 App. 567; 46 L. J. P. C. 95	100

	PAGE
Dobie v. Temporalities Board, L. R. 7 App. 136; 51 L. J. P. C. 26 . . .	120
Doe v. Thompson, 12 Moo. P. C. C. 116	137
— v. Wilson, 10 Moo. P. C. C. 502	105
Donegani v. Donegani, 3 Knapp, 63	115
Dorion v. Les Ecclésiastiques du Séminaire de S. Sulpice de Montréal, L. R. 5 App. 362; 49 L. J. P. C. 32	123
D'Orliac v. D'Orliac, 4 Moo. P. C. C. 374	168
Douglas v. Smith, 3 Knapp, 1	143
Dow v. Black, L. R. 6 P. C. 272; 44 L. J. P. C. 52	127
Downie & Arrindell, <i>In re</i> , 3 Moo. P. C. C. 414	174
Doyle v. Falconer, L. R. 1 P. C. 328; 4 Moo. P. C. C., N. S., 203; 36 L. J. P. C. 33	139
Du Boulay v. Du Boulay, L. R. 2 P. C. 430; 6 Moo. P. C. C., N. S., 31; 38 L. J. P. C. 35	141
EARL, <i>In the Goods of</i> , L. R. 1 P. & M. 450	107
Elliot v. Turquand, L. R. 7 App. 79; 51 L. J. P. C. 1	134
Elzéar Bedard, <i>In re</i> Justice, 7 Moo. P. C. C. 23	119
Emerson v. Judges of Supreme Court of Newfoundland, 8 Moo. P. C. C. 157	127
Emery v. Binns, 7 Moo. P. C. C. 195	134
Ermatinger v. Gugy, 5 Moo. P. C. C. 1	123
Essenden, Mayor of v. Blackwood, L. R. 2 App. 574; 46 L. J. P. C. 98	114
Euxine, The, L. R. 4 P. C. 8; 8 Moo. P. C. C., N. S., 189; 41 L. J. P. C. 40	174
Evanturel v. Evanturel, L. R. 2 P. C. 462; 6 Moo. P. C. C., N. S., 65; 38 L. J. P. C. 41	125
— — — — — L. R. 6 P. C. 1; 43 L. J. P. C. 58	125
FALKLAND Islands Co. v. Reg., 1 Moo. P. C. C., N. S., 299	167
— — — — — 2 Moo. P. C. C., N. S., 266	155
Falle v. Le Sueur, 12 Moo. P. C. C. 501	156
Fenton v. Hampton, 11 Moo. P. C. C. 347	114
Fisher v. Tully, L. R. 3 App. 627; 47 L. J. P. C. 59	109
Fitzgerald v. Fitzgerald, 5 Moo. P. C. C., N. S., 180; 37 L. J. P. C. 44	103
Flint v. Walker, 5 Moo. P. C. C. 179	149
Forte v. Beete, 9 Moo. P. C. C. 336	146
Frankland v. M'Gusty, 1 Knapp, 274	141
Fraser v. Birch, 3 Knapp, 380	138
— v. Burgess, 13 Moo. P. C. C. 314	146
Freyhaus v. Cramer & Cantzlaar, 1 Knapp, 107	146
— v. Heirs of Forbes, 1 Knapp, 117	146
Frixione v. Tagliaferro, 10 Moo. P. C. C. 175	132
GAHAN v. Lafitte, 3 Moo. P. C. C. 382	142

	PAGE
Garden Gully United Quartz Mining Co. v. McLister, L. R. 1 App. 39	111
Gaudin v. Messervy, 2 Moo. P. C. C., N. S., 372	168
Gavin v. Hadden, L. R. 3 P. C. 707; 8 Moo. P. C. C., N. S., 90	151
George v. Reg., L. R. 1 P. C. 389; 4 Moo. P. C. C. 287	102
Gibaut, <i>In re, in re</i> States of Jersey, 11 Moo. P. C. C. 320.	158
Gibbons v. Gibbons, L. R. 6 App. 471; 50 L. J. P. C. 45	109
Giblin v. McMullen, L. R. 2 P. C. 317; 5 Moo. P. C. C., N. S., 434;	
38 L. J. P. C. 25	110
Gill v. Barron, L. R. 2 P. C. 157; 5 Moo. P. C. C., N. S., 213; 37	
L. J. P. C. 33	141
Gilmour v. Supple, 11 Moo. P. C. C. 551	123
Godfray v. Coulman, 13 Moo. P. C. C. 11	156
— v. Godfray, 3 Moo. P. C. C., N. S., 316; 35 L. J. P. C. 39	157
Goldring v. La Banque d'Hochelaga, L. R. 5 App. 371; 49 L. J. P. C.	
82	121
Gordon v. Bruce, 2 Moo. P. C. C. 261	138
— v. Horsfall, 5 Moo. P. C. C. 393	135
— v. Scott, 12 Moo. P. C. C. 1	107
Gore v. Bethel, 12 Moo. P. C. C. 189	145
Gould, <i>In re</i> , 2 Moo. P. C. C. 188	159
Graham v. Berry, 3 Moo. P. C. C., N. S., 207	106
— v. Pocock, L. R. 3 P. C. 345; 7 Moo. P. C. C., N. S., 152;	
39 L. J. P. C. 38	99
Grant v. Aetna Insurance Co., 15 Moo. P. C. C. 516	118
— v. Campbell, 1 Moo. P. C. C. 43	138
Great Laxey Mining Co. v. Clague, L. R. 4 App. 115	162
Great Western Railway of Canada v. Braid, 1 Moo. P. C. C., N. S.,	
101	122
— — — v. Fawcett, 1 Moo. P. C. C., N. S.,	
101	122
Grenada, Representatives of Island of, v. Sanderson, 6 Moo. P. C. C.	
38	142
Grice v. Richardson, 47 L. J. P. C. 48	114
Guernsey, <i>In re</i> Bailiff and Jurats of Royal Court of, 5 Moo. P. C. C.	
49 f.	161
— <i>In re</i> States of, 14 Moo. P. C. C. 368	162
Guimaraens v. Preston, 4 Moo. P. C. C. 167	143, 174
Gugy v. Brown, L. R. 1 P. C. 411; 4 Moo. P. C. C. 315; 36 L. J.	
P. C. 38	115

HADWIN v. Lovelace, 1 Acton, 126	129
Hamel v. Panet, L. R. 2 App. 121; 46 L. J. P. C. 5	120
Hamilton, Mayor of, v. Hodsdon, 6 Moo. P. C. C. 76	144
Hamon v. Falle, L. R. 4 App. 247; 48 L. J. P. C. 45	157
Harris v. Bank of Australasia, 15 Moo. P. C. C. 116	103
Harrison v. Reg., 10 Moo. P. C. C. 201	155

	PAGE
Harrison v. Scott, 5 Moo. P. C. C. 357	134
Harvey, <i>In re</i> , 3 Moo. P. C. C. 148	171
— v. Owners of the Euxine, L. R. 4 P. C. 8; 8 Moo. P. C. C., N. S., 189; 41 L. J. P. C. 40	174
Hayley v. Bartlett, 14 Moo. P. C. C. 251	158
Henckell v. Daly, 1 Moo. P. C. C. 51	133
Henderson v. Henderson, 4 Moo. P. C. C. 259	165
— v. Comptoir d'Escompte de Paris, 42 L. J. P. C. 60	149
Henry v. Byar, 1 Knapp, 388	141
Her Majesty's Procureur and Advocate-General v. Bruneau, L. R. 1 P. C. 169; 4 Moo. P. C. C., N. S., 1; 35 L. J. P. C. 56	153
Herrick v. Sixby, L. R. 1 P. C. 436; 4 Moo. P. C. C., 349	121
Herse v. Dufaux, L. R. 4 P. C. 468; 9 Moo. P. C. C., N. S., 281	118
Hibernian, The, L. R. 4 P. C. 511; 9 Moo. P. C. C., N. S., 340	124
Hill v. Bigge, 3 Moo. P. C. C. 465	144
Hill v. Reg., 8 Moo. P. C. C. 138	136
Hitchins v. Hollingsworth, 7 Moo. P. C. C. 228	174
Hoare v. Oriental Bank Corporation, L. R. 2 App. 589	103
Hocquard v. Reg., 11 Moo. P. C. C. 155	155
Hodge v. Attorney-General of British Honduras, 2 Moo. P. C. C., N. S., 325	138
Hogan v. Hand, 14 Moo. P. C. C. 310	108
Hollyman v. Noonan, L. R. 1 App. 595; 45 L. J. P. C. 62	109
Holmes v. Matthews, 9 Moo. P. C. C. 413	119
Hong Kong, Attorney-General of, v. Kwok-a-sing, 42 L. J. P. C. 64	150
Hosking v. Terry, 15 Moo. P. C. C. 493	103
How v. Kirchner, 11 Moo. P. C. C. 21	108
Hugenholtz v. Watson, 1 Knapp, 170	147
Hughes v. Hosking, 11 Moo. P. C. C. 1	109
— v. Porral, 4 Moo. P. C. C. 41	131
Hulm v. Hulm, 4 Moo. P. C. C. 262	173
Humphrey v. Nowland, 15 Moo. P. C. C. 343	106
Hutchings v. Nunes, 1 Moo. P. C. C., N. S., 243	136
Hutchinson v. Gillespie, 2 Moo. P. C. C. 243	115
— — 4 Moo. P. C. C. 378	120
Hyslop v. Jones, 3 Moo. P. C. C. 15	138
INGLIS v. De Barnard, 3 Moo. P. C. C. 425	143
Ingram v. Drinkwater, 44 L. J. P. C. 83	162
Irvine v. Union Bank of Australia, L. R. 2 App. 366, 46 L. J. P. C. 87	111
Island of Cape Breton, <i>In re</i> , 5 Moo. P. C. C. 259	128
Isle of Man, Attorney-General of, v. Cowley, 12 Moo. P. C. C. 27	163
— — Mylchreest, L. R. 4 App. 294; 48 L. J. P. C. 36	162
Israell v. Rodon, 2 Moo. P. C. C. 43	133
— — 2 Moo. P. C. C. 51	137

	PAGE
JACKSON v. Prothero, 3 Moo. P. C. C. 490	170
— v. Wilson, 3 Moo. P. C. C. 177	163
Jamaica, Attorney-General of, v. Manderson, 6 Moo. P. C. C. 239	136
— Churchwardens of St. George, v. May, 12 Moo. P. C. C. 282	172
Janvrin v. De la Mare, 14 Moo. P. C. C. 334	161
Jenkins, <i>Ex parte</i> , L. R. 2 P. C. 258; 4 Moo. P. C. C., N. S., 351, 38 L. J. P. C. 6	145
Jennings v. Hill, 4 Moo. P. C. C. 369	103
Jephson v. Riera, 3 Knapp, 180	129
Jerningham v. Administrator-General of Demerara, 15 Moo. P. C. C. 529	145
Jersey, Attorney-General of, v. Le Capelain, 4 Moo. P. C. C. 37	156
Jersey Bar, The, 13 Moo. P. C. C. 263	156
Jersey, Dean of, v. Rector of —, 3 Moo. P. C. C. 229	156
Jersey Jurats, <i>In re</i> , L. R. 1 P. C. 94; 3 Moo. P. C. C., N. S., 456	160
Jersey, States of, <i>In re</i> , 9 Moo. P. C. C. 185	158
— — — 11 Moo. P. C. C. 320	158
— — — 15 Moo. P. C. C. 195	158
Johnston v. Ministers, &c., of St. Andrew's church, Montreal, L. R. 3 App. 159	169
Jones v. McKenzie, 13 Moo. P. C. C. 1	106
— v. Stanstead, &c., Railway Co., L. R. 4 P. C. 98; 8 Moo. P. C. C., N. S., 312; 41 L. J. P. C. 19	122
Justices of Court of Common Pleas at Antigua, <i>In re</i> , 1 Knapp, 267	139
KELLY v. Corlett, 14 Moo. P. C. C. 89	169
Kennedy v. Trott, 6 Moo. P. C. C. 449	144
Kensington, <i>Ex parte</i> , 15 Moo. P. C. C. 209	139
Kershaw v. Kirkpatrick, L. R. 3 App. 345	116
Kielly v. Carson, 4 Moo. P. C. C. 63	126
Kierzkowski v. Dorion, L. R. 2 P. C. 291; 5 Moo. P. C. C., N. S., 397; 38 L. J. P. C. 12	124
King v. Pinsoneault, L. R. 6 P. C. 245; 44 L. J. P. C. 42	122
— v. Tunstall, L. R. 6 P. C. 55	125
Kirby v. Owners of Scindia, 4 Moo. P. C. C., N. S., 84; L. R. 1 P. C. 241	101
Kirchner v. Venus, 12 Moo. P. C. C. 361.	106
LABOUCHERE v. Tupper, 11 Moo. P. C. C. 198	163
La Cloche v. La Cloche, L. R. 3 P. C. 125; 6 Moo. P. C. C., N. S., 383; 39 L. J. P. C. 25	161
La Cloche v. La Cloche, L. R. 4 P. C. 325; 9 Moo. P. C. C., N. S., 87, 41 L. J. P. C. 54	153, 174
Lagesse v. Lagesse, L. R. 4 P. C. 553; 9 Moo. P. C. C., N. S., 399; 42 L. J. P. C. 37, <i>nom.</i> Lagesse v. Allard	154

	PAGE
Laing v. Ingham, 3 Moo. P. C. C. 26	167
Lambkin v. S. E. Railway Co., L. R. 5 App. 352	120
La Mothe v. La Mothe, 1 Knapp, 271	164
Lang v. Purves, 15 Moo. P. C. C. 389	107
— v. Reid, 12 Moo. P. C. C. 72	154
Lapraik v. Burrows, 13 Moo. P. C. C. 132	150
Laughton v. Bishop of Sodor and Man, L. R. 4 P. C. 495; 9 Moo. P. C. C., N. S., 318; 42 L. J. P. C. 11	164
Lawless v. Sullivan, L. R. 6 App. 373; 50 L. J. P. C. 33	118
Le Breton v. Aubin, 10 Moo. P. C. C. 17	160
— v. Ennis, 4 Moo. P. C. C. 323	158
Leclère v. Beaudry, L. R. 5 P. C. 362	122
Le Feuvre v. Le Feuvre, 2 Moo. P. C. C. 70	159
— v. Sullivan, 10 Moo. P. C. C. 1	159
Le Gallais v. De Veuille, 11 Moo. P. C. C. 72	155
Le Gros v. Le Breton, 2 Knapp, 181	159, 160
Leishman v. Cochrane, 1 Moo. P. C. C., N. S., 315	153
Lemprière, <i>In re</i> , 11 Moo. P. C. C. 398	168
— v. Le Brun, 1 Acton, 7	160
— v. Vibert, 15 Moo. P. C. C. 427	157
Le Quesne v. Nicolle, 1 Knapp, 257	174
Les Sœurs Dames Hospitalières, &c. v. Middlemiss, L. R. 3 App. 1102; 47 L. J. P. C. 89	118
Levi v. Ayers, L. R. 3 App. 842; 47 L. J. P. C. 83	110
Levien, <i>In re</i> , 10 Moo. P. C. C. 31	135
— v. Reg., L. R. 1 P. C. 536; 4 Moo. P. C. C., N. S., 483; 36 L. J. P. C. 62	167
Levinger v. Reg. L. R. 3 P. C. 282; 7 Moo. 3 P. C. C., N. S., 68; 39 L. J. P. C. 49	112
Lindo v. Barrett, 9 Moo. P. C. C. 456	137
— v. The King, 1 Moo. P. C. C. 3	167
Lindsay v. Duff, 15 Moo. P. C. C. 452	152
— v. Oriental Bank Corporation at Colombo, 13 Moo. P. C. C. 401	152
Logan v. Burslem, 4 Moo. P. C. C. 284	167
— v. Le Mesurier, 6 Moo. P. C. C. 116	123
London Chartered Bank of Australia v. White, L. R. 4 App. 413; 48 L. J. P. C. 75	110
— — — — — v. Lemprière, 9 Moo. P. C. C., N. S. 426; 42 L. J. P. C. 49	113
Long v. Bishop of Cape Town, 1 Moo. P. C. C., N. S., 411	99
Lopez v. Burslem, 4 Moo. P. C. C. 300	168
Lord v. Commissioners for City of Sydney, 12 Moo. P. C. C. 473	108
Louis v. Louis, 1 Moo. P. C. C. 143	169
L'Union de St. Jacques de Montréal v. Bélisle, L. R. 6 P. C. 31	119
Lyall v. Jardine, L. R. 3 P. C. 318; 7 Moo. P. C. C., N. S., 116; 39 L. J. P. C. 43	149

	PAGE
M'ANUFF <i>v</i> Willis, 1 Acton	136
McCarthy <i>v</i> Judah, 12 Moo. P. C. C. 47	123
McConnell <i>v</i> Murphy, L. R. 5 P. C. 203	116
McDermott <i>v</i> The Judges of British Guiana, L. R. 2 P. C. 341; 5 Moo. P. C. C., N. S., 486; 38 L. J. P. C. 1	148
Macdonald <i>v</i> Bell, 3 Moo. P. C. C. 315	100
— <i>v</i> Lambe, L. R. 1 P. C. 539; 4 Moo. P. C. C., N. S., 486; 36 L. J. P. C. 70	121
McEwan <i>v</i> Guthridge, 13 Moo. P. C. C. 304	111
Macfarlane <i>v</i> Leclaire, 1 Moo. P. C. C., N. S., 1	117
— — 15 Moo. P. C. C. 181	171
Mackay <i>v</i> Commercial Bank of New Brunswick, L. R. 5 P. C. 394; 43 L. J. P. C. 31	128
McKay <i>v</i> Rutherford, 6 Moo. P. C. C. 413	117
Maclaren <i>v</i> Murphy, L. R. 4 P. C. 262; 9 Moo. P. C. C., N. S., 1	123
Maclean <i>v</i> MacAndrew, 43 L. J. P. C. 69	115
Macrae <i>v</i> Goodman, 5 Moo. P. C. C. 315	147
McTurk <i>v</i> Bent, 4 Moo. P. C. C. 213	147
— <i>v</i> Douglas, 6 Moo. P. C. C. 500	167
Manning, Assignees of, <i>In re</i> , 3 Moo. P. C. C. 154	139
Marchioness of Bute <i>v</i> Mason, 7 Moo. P. C. C. 1	107
Marett <i>v</i> Jennes, 1 Knapp, 103	161
Marois, <i>In re</i> , 15 Moo. P. C. C. 189	173
Martin <i>v</i> Lee, 14 Moo. P. C. C. 142	125
Martyn <i>v</i> McCulloch, 1 Moo. P. C. C. 308	162
Mason <i>v</i> Attorney-General of Jamaica, 4 Moo. P. C. C. 228	134
Mauger <i>v</i> Le Gallais, L. R. 1 P. C. 470; 4 Moo. P. C. C., N. S., 395; 36 L. J. P. C. 58	161
Maxwell <i>v</i> Deare, 8 Moo. P. C. C. 363	101
Meiklejohn <i>v</i> Attorney-General and Caldwell, 2 Knapp, 328	126
Melbourne Banking Corporation <i>v</i> Brougham, L. R. 4 App. 156; 48 L. J. P. C. 12	111
— — — — — <i>v</i> — — — — — L. R. 7 App. 307	111
Messina <i>v</i> Petrococcino, 8 Moo. P. C. C., N. S., 375; 41 L. J. P. C. 27	131
Migneault <i>v</i> Malo, L. R. 4 P. C. 123; 8 Moo. P. C. C., N. S., 347; 41 L. J. P. C. 11	125
Miner <i>v</i> Gilmour, 12 Moo. P. C. C. 131	125
Moffatt <i>v</i> Bateman, 6 Moo. P. C. C., N. S., 369	113
Monckton, <i>In re</i> , 1 Moo. P. C. C. 455	128
Montagu <i>v</i> Lieut.-Governor and Executive Council of Van Diemen's Land, 6 Moo. P. C. C. 489	114
Montreal Assurance Co. <i>v</i> McGillivray, 13 Moo. P. C. C. 87	118
Montreal, Bank of, <i>v</i> Simson, 14 Moo. P. C. C. 417	124
Montreal, Mayor of, <i>v</i> Brown, L. R. 2 App. 168	117
— — — — — Drummond, L. R. 1 App. 384; 45 L. J. P. C. 33	118
— — — — — Stephens, L. R. 3 App. 605; 47 L. J. P. C. 67	117
Moore <i>v</i> Clucas, 7 Moo. P. C. C. 352	164
— <i>v</i> Harris, 45 L. J. P. C. 55	116

	PAGE
Morrison v. Mayor, &c. of Montreal, L. R. 3 App. 148; 47 L. J. P. C. 21	117
Moss v. Leatham, 2 Moo. P. C. C. 73	140
Motz v. Moreau, 13 Moo. P. C. C. 376	124
Muir, <i>in re</i> , 3 Moo. P. C. C. 150	142
— v. Muir, L. R. 5 P. C. C. 66; 43 L. J. P. C. 7	116
Murphy v. Glass, 6 Moo. P. C. C., N. S., 1.	114
Murray v. Burgers, 4 Moo. P. C. C., N. S., 250; 36 L. J. P. C. 44.	99
Murrow v. Stuart, 8 Moo. P. C. C. 267	149
Musgrave v. Pulido, L. R. 5 App. 102; 49 L. J. P. C. 20	135
Muter v. Chipchase, 1 Moo. P. C. C. 1	170
NAHON and Pariente, <i>in re</i> , 2 Knapp, 66	165
Natal, Bishop of, <i>in re</i> , 3 Moo. P. C. C., N. S., 115	99
Natal Land and Colonisation Co. v. Good, L. R. 2 P. C. 121; 5 Moo. P. C. C., N. S., 132.	101
National Bank of Australasia v. United Hand-in-Hand, &c., Co., L. R. 4 App. 391; 48 L. J. P. C. 50	113
— — v. Cherry, L. R. 3 P. C. 299; 7 Moo. P. C. C., N. S., 91	110
Nedham v. Simpson, 2 Knapp, 1.	173
Neo v. Neo, L. R. 5 P. C. 89	151, 166
Newfoundland, Attorney-General of, v. Cuddily, 1 Moo. P. C. C. 82	126
— — v. Ryan, 1 Moo. P. C. C. 87	126
New South Wales, Bank of, v. Owston, L. R. 4 App. 270; 48 L. J. P. C. 25	107
— — — Attorney-General of, v. Macpherson, L. R. 3 P. C. 268	107
— — — v. Bertrand, L. R. 1 P. C. 520; 4 Moo. P. C. C., N. S., 460; 36 L. J. P. C. 51	104
Nicol v. Askew, 2 Moo. P. C. C. 88	136
Nicolle, <i>ex parte</i> , L. R. 5 App. 346; 49 L. J. P. C. 51	156
Nieuwerkerk v. Reynolds, 1 Knapp, 151	148
Norton v. Spooner, 9 Moo. P. C. C. 103	146
Nunes v. Carter, L. R. 1 P. C. 342; 4 Moo. P. C. C., N. S., 222; 36 L. J. P. C. 12	135
Nye v. Macdonald, L. R. 3 P. C. 331; 7 Moo. P. C. C., N. S., 134; 39 L. J. P. C. 34	117
ORIENTAL Bank Corporation v. Wright, L. R. 5 App. 842; 50 L. J. P. C. 1	101
Orphan Board v. Van Reenen, 1 Knapp, 83	170
Osborne v. Eales, 2 Moo. P. C. C., N. S., 100	105
O'Shanassy v. Joachim, L. R. 1 App. 82; 45 L. J. P. C. 43	105

	PAGE
PAGE <i>v.</i> Eduljee, 3 Moo. P. C. C., N. S., 499	152
Palmer <i>v.</i> Barrett, 1 Moo. P. C. C. 415	136
— <i>v.</i> Hutchinson, L. R. 6 App. 619; 50 L. J. P. C. 62	101
Papayanni <i>v.</i> Hocquard, 4 Moo. P. C. C., N. S., 96	132
Patnelli <i>v.</i> Heddle, 8 Moo. P. C. C. 41	172
Pearson <i>v.</i> Spence, L. R. 5 App. 70; 49 L. J. P. C. 13	115
Peninsular and Oriental Steam Navigation Co. <i>v.</i> Shand, 3 Moo. P. C. C., N. S., 272	153, 172
Pennant <i>v.</i> Simpson, 1 Knapp, 399.	133
Pipon <i>v.</i> Coutanche, 1 Acton, 4	158
Pisani <i>v.</i> Attorney-General for Gibraltar, L. R. 5 P. C. 516	175
Platt <i>v.</i> Attorney-General of New South Wales, 47 L. J. P. C. 26	104
Pollard, <i>In re</i> , L. R. 2 P. C. 106; 5 Moo. P. C. C., N. S., 111	150
Pollok <i>v.</i> Bradbury, 8 Moo. P. C. C. 227	116
Powell <i>v.</i> Washburn, 2 Moo. P. C. C. 199	169
Pownall <i>v.</i> Mascall, 2 Knapp, 161	139
Prince <i>v.</i> Reg., L. R. 5 P. C. 1; 43 L. J. P. C. 14 (<i>nom.</i> Prince <i>v.</i> Collector of Customs of New South Wales)	104
— <i>v.</i> Oriental Bank, 47 L. J. P. C. 42	103
Provincial Insurance Co. of Canada <i>v.</i> Leduc, 43 L. J. P. C. 49	120
QUANE <i>v.</i> Quane, 8 Moo. P. C. C. 63	164
Quayle <i>v.</i> Davidson, 12 Moo. P. C. C. 268	165
Quebec Fire Assurance Co. <i>v.</i> Anderson, 13 Moo. P. C. C. 477	173
— — <i>v.</i> S. Louis, 7 Moo. P. C. C. 286	118
— Marine Insurance Co. <i>v.</i> Commercial Bank of Canada, 7 Moo. P. C. C., N. S., 1	120
— &c., Rail. Co. <i>v.</i> Quinn, 12 Moo. P. C. C. 232	122
Queen Insurance Co., The, <i>v.</i> Parsons, L. R. 7 App. 96; 51 L. J. P. C. 11	119
RAINY <i>v.</i> Bravo, L. R. 4 P. C. 287; 9 Moo. P. C. C., N. S., 35	102
— <i>v.</i> Justices of Sierra Leone, 8 Moo. P. C. C. 47	102
Ramsay, <i>In re</i> , L. R. 3 P. C. 427; 7 Moo. P. C. C., N. S., 263	116
Redpath <i>v.</i> Allan, 9 Moo. P. C. C., N. S., 340	121
Reg. <i>v.</i> Bertrand, L. R. 1 P. C. 520; 4 Moo. P. C. C., N. S., 460	104
— <i>v.</i> Carlin, 6 Moo. P. C. C., N. S., 509; 39 L. J. P. C. 67	145
— <i>v.</i> Casaca, L. R. 5 App. 548; 49 L. J. P. C. 41	102
— <i>v.</i> Clarke, 7 Moo. P. C. C. 77	115
— <i>v.</i> Coote, L. R. 4. P. C. 599; 9 Moo. P. C. C., N. S., 463; 42 L. J. P. C. 45	118
— <i>v.</i> Dallimore, L. R. 1 P. C. 13; 3 Moo. P. C. C., N. S., 347	112
— <i>v.</i> Hughes, L. R. 1 P. C. 81; 3 Moo. P. C. C., N. S., 439; 35 L. J. P. C. 23	110
— <i>v.</i> Joze Alves Dias, 6 Moo. P. C. C. 102	168
— <i>v.</i> McCleverty, 8 Moo. P. C. C., N. S., 43; 40 L. J. P. C. 48	139

	PAGE
Reg. v. Mount, L. R. 6 P. C. 283; 44 L. J. P. C. 58.	113
— v. Murphy, L. R. 2 P. C. 35, 535; 5 Moo. P. C. C., N. S., 47; 6 Moo. P. C. C., N. S., 177; 37 L. J. P. C. 21; 38 L. J. P. C. 53.	104
— v. Price, 8 Moo. P. C. C. 203	152
Registrar of Titles v. Paterson, L. R. 2 App. 110; 46 L. J. P. C. 21.	112
Renaud v. Tourangeau, L. R. 2 P. C. 4; 5 Moo. P. C. C., N. S., 5; 37 L. J. P. C. 1 (<i>nom.</i> Renaud v. Guillet)	126
Representatives of the Island of Grenada v. Sanderson, 6 Moo. P. C. C. 38.	142
Retemeyer v. Obermuller, 2 Moo. P. C. C. 93	166
Rhodes v. Rhodes, L. R. 7 App. 192	115
Richards v. Attorney-General of Jamaica, 6 Moo. P. C. C. 381	137
Richer v. Voyer, L. R. 5 P. C. 431	120
Robertson, <i>Ex parte</i> , 11 Moo. P. C. C. 288	104
— v. Day, L. R. 5 App. 63; 49 L. J. P. C. 9	105
— v. Dumaresq, 2 Moo. P. C. C., N. S., 66	107
Rocheconste v. Dupont, 2 Moo. P. C. C., N. S., 195	154
Rodger v. Comptoir d'Escompte de Paris, L. R. 2 P. C. 393; 5 Moo. P. C. C., N. S., 538; 38 L. J. P. C. 30	149
— — — L. R. 3 P. C. 465; 7 Moo. P. C. C., N. S., 314; 40 L. J. P. C. 1	150, 175
Rogerson v. Reid, 1 Knapp, 362	124
Rolet v. Reg., L. R. 1 P. C. 198; 4 Moo. P. C. C., N. S., 41	102
Rolfe v. Flower, L. R. 1 P. C. 27; 3 Moo. P. C. C., N. S., 365	113
Royal Mail Steam Packet Co. v. Braham, L. R. 2 App. 381; 46 L. J. P. C. 67	136
Ryland v. Delisle, L. R. 3 P. C. 17; 6 Moo. P. C. C., N. S., 225; 38 L. J. P. C. 67	116
S. ANDREWS and Quebec Railway Co. v. Brookfield, 13 Moo. P. C. C. 510	128
S. Jacques de Montréal, L'Union de, v. Bélisle, L. R. 6 P. C. 31	119
S. Louis v. S. Louis, 1 Moo. P. C. C. 143	169
— — — 3 Moo. P. C. C. 398	125
Sant v. Sant, L. R. 5 P. C. 542; 43 L. J. P. C. 73	132
Santacana v. Ardevol, 1 Knapp, 269	170
Sarchet, <i>In re</i> , 10 Moo. P. C. C. 533	168
Sastry Velaidar Aronegary v. Sembecutty Vaigalie, L. R. 6 App. 364; 50 L. J. P. C. 28	152
Sauvageau v. Gauthier, L. R. 5 P. C. 494	168, 172
Sayers v. Whitfield, 1 Knapp, 133	142
Scindia, The, L. R. 1 P. C. 241; 4 Moo. P. C. C., N. S., 84; 35 L. J. P. C. 53	101
Scott v. Paquet, L. R. 1 P. C. 552; 4 Moo. P. C. C., N. S., 505; 36 L. J. P. C. 65	120

	PAGE
Sérandat v. Saïsse, L. R. 1 P. C. 152 ; 3 Moo. P. C. C., N. S., 534 ; 35 L. J. P. C. 15	154
Shaw v. Jeffrey, 13 Moo. P. C. C. 432	118
Sherwill v. Reg., 2 Moo. P. C. C. 1	130
Sherwin, <i>In re</i> , 4 Moo. P. C. C. 311	172
Shire v. Shire, 5 Moo. P. C. C. 81	169
Siemens v. Heirs of Bufe, 11 Moo. P. C. C. 62	173
Simmons v. Mitchell, L. R. 6 App. 156 ; 50 L. J. P. C. 11	143
Simpson v. Forrester, 1 Knapp, 231	149
Smith v. Bank of Victoria, 41 L. J. P. C. 34	112
— v. Brown, 2 Moo. P. C. C. 35	125
— v. Carpenter, 12 Moo. P. C. C. 101	100
— v. Justices of Sierra Leone, 3 Moo. P. C. C. 361	102
— — — 7 Moo. P. C. C. 174	102
— v. O'Grady, L. R. 3 P. C. 311 ; 7 Moo. P. C. C., N. S., 106 ; 39 L. J. P. C. 63	135
— v. Reg., L. R. 3 App. 614 ; 47 L. J. P. C. 51	109
— v. Ure, 2 Knapp, 188	143
Smyth v. Simpson, 7 Moo. P. C. C. 205	120
Sœurs Dames Hospitalières, Les, v. Middlemiss, L. R. 3 App. 1102	118
South Australia, Bank of, v. Abrahams, 44 L. J. P. C. 76	110
South Australian Insurance Co. v. Randell, 6 Moo. P. C. C., N. S., 341	109
Speaker of Legislative Assembly of Victoria v. Glass, L. R. 3 P. C. 560 ; 7 Moo. P. C. C., N. S., 449 ; 40 L. J. P. C. 17	112
Stace v. Griffith, L. R. 2 P. C. 420 ; 6 Moo. P. C. C., N. S., 18	166
Stanford v. Brunette, 14 Moo. P. C. C. 35	99
— — 14 Moo. P. C. C. 60	174
States of Guernsey, <i>In re</i> , 14 Moo. P. C. C. 368	162
— Jersey, <i>In re</i> , 9 Moo. P. C. C. 185	158
— — 11 Moo. P. C. C. 320	158
— — 15 Moo. P. C. C. 195	158
Steele v. Murphy, 3 Moo. P. C. C. 445	134
— v. Thompson, 13 Moo. P. C. C. 280	147
Strachan v. Dougall, 7 Moo. P. C. C. 365	134
Stratton v. Symon, 2 Moo. P. C. C. 125	144
Stronach, <i>Re</i> , 2 Moo. P. C. C. 311	167
Stuart v. Norton, 14 Moo. P. C. C. 17	147
Symes v. Cuvillier, L. R. 5 App. 138 ; 49 L. J. P. C. 54	117
TATHAM v. ANDREE, 1 Moo. P. C. C., N. S., 386	152
Théberge v. Laundry, L. R. 2 App. 102 ; 46 L. J. P. C. 1	117
Thompson v. Cartwright, 3 Moo. P. C. C. 421	133
Thorburn v. Steward, L. R. 3 P. C. 478 ; 7 Moo. P. C. C., N. S., 333 ; 40 L. J. P. C. 5	100
Thornton v. Robin, 1 Moo. P. C. C. 439	158
Tobin v. Murison, 5 Moo. P. C. C. 110	123

	PAGE
Tobin v. Stowell, 9 Moo. P. C. C. 71	165
Touzel v. Filleul, 3 Moo. P. C. C. 484	157
Towns v. Wentworth, 11 Moo. P. C. C. 526	109
Trimble v. Hill, L. R. 5 App. 342; 49 L. J. P. C. 49	106
Trigge v. Lavallée, 15 Moo. P. C. C. 270	124
Tronson v. Dent, 8 Moo. P. C. C. 419	151
Tudury v. De Pina, 15 Moo. P. C. C. 434	128
Tupper, <i>In re</i> , 2 Knapp, 201	173
— v. Treasurer of the Hospital of S. Peter Port, 3 Knapp, 406	162
Turner v. Barclay, 9 Moo. P. C. C. 264	135
— v. Cox, 8 Moo. P. C. C. 288	144
— v. Walsh, L. R. 6 App. 636; 50 L. J. P. C. 55	104
UNION DE S. JACQUES DE MONTRÉAL v. BÉLISLE, L', L. R. 6 P. C.	
31	11
Upper Canada, Bank of, v. Bradshaw, L. R. 1 P. C. 479	121
Urquhart v. Macpherson, L. R. 3 App. 831	111
VALIN v. LANGLOIS, L. R. 5 App. 115; 49 L. J. P. C. 37	
Van Breda v. Silberbauer, L. R. 3 P. C. 84; 6 Moo. P. C. C., N. S., 319; 39 L. J. P. C. 8	101
Van Diemen's Land, Bank of, v. Bank of Victoria, 7 Moo. P. C. C., N. S., 401; 40 L. J. P. C. 28	110
Van Rooyen v. Vander Reit, 2 Moo. P. C. C. 177	101
Verchères, Curé, &c., of, v. Corporation of Verchères, L. R. 6 P. C. 330; 44 L. J. P. C. 34	121
Vernon Allen v. Meera Pullay, L. R. 7 App. 172	151
Victoria, Attorney-General of, <i>In re</i> , L. R. 1 P. C. 147; 3 Moo. P. C. C., N. S., 527	113
— — v. Ettershank, L. R. 6 P. C. 354; 44 L. J. P. C. 65	112
— — v. Glass, L. R. 6 P. C. 375	112
Vivers v. Tuck, 1 Moo. P. C. C., N. S., 516	108
WALHALLA GOLD MINING CO. v. MULCAHY, 40 L. J. P. C. 41	
Walker v. Jones, L. R. 1 P. C. 50; 3 Moo. P. C. C., N. S., 397; 35 L. J. P. C. 30	106
Wallace, <i>In re</i> , L. R. 1 P. C. 283; 4 Moo. P. C. C., N. S., 140; 36 L. J. P. C. 9 (<i>nom.</i> Wallace v. Judges of Nova Scotia)	127
— v. McSweeney, L. R. 2 P. C. 180; 5 Moo. P. C. C., N. S., 244; 37 L. J. P. C. 39	127
Wardle v. Bethune, L. R. 4 P. C. 33; 8 Moo. P. C. C., N. S., 223; 41 L. J. P. C. 1	116

	PAGE
Webb v. Giddy, L. R. 3 App. 908; 47 L. J. P. C. 71	101
Webster v. Power, L. R. 1 P. C. 150; 3 Moo. P. C. C., N. S., 531	111
— — L. R. 2 P. C. 69; 5 Moo. P. C. C., N. S., 92; 37 L. J. P. C. 9	106
Wells, <i>In re</i> , 3 Moo. P. C. C. 216	142
Western Counties Railway Co. v. Windsor, &c., Railway Co., L. R. 7 App. 178; 51 L. J. P. C. 43	127
White v. Parnter, 1 Knapp, 179	137
Whitfield, Geo., <i>In re</i> , 2 Moo. P. C. C. 269	159
— <i>In re</i> , 5 Moo. P. C. C. 157	157
Whittle v. Macfarlane, 1 Knapp, 311	136
Wickham v. New Brunswick and Canada Railway Co., L. R. 1 P. C. 64; 3 Moo. P. C. C., N. S., 416; 35 L. J. P. C. 6	123
Wildes v. Attorney-General of Trinidad, 3 Moo. P. C. C. 200	144
Wilkinson v. Simpson, 2 Moo. P. C. C. 275	147
Willans v. Ayers, 47 L. J. P. C. 1	110
William Frederick, <i>The</i> , L. R. 4 App. 669	128
Williams v. Byrnes, 1 Moo. P. C. C., N. S., 154.	108
— v. Stevens, L. R. 1 P. C. 352; 4 Moo. P. C. C., N. S., 235; 36 L. J. P. C. 21	161
Willis v. Sir Geo. Gipps, 5 Moo. P. C. C. 379	105
Wilson v. Callender, 9 Moo. P. C. C. 100	173
— v. Reg., L. R. 1 P. C. 405; 4 Moo. P. C. C., N. S., 307	102
— v. Trail, L. R. 3 P. C. 33; 6 Moo. P. C. C., N. S., 247	111
Winter v. Attorney-General of Victoria, L. R. 6 P. C. 378	112
Woolley v. Attorney-General of Victoria, L. R. 2 App. 163; 46 L. J. P. C. 18	112

YEAP CHEAH NEO v. ONG CHENG NEO, L. R. 6 P. C. 381	151, 166
Young v. Lambert, 6 Moo. P. C. C., N. S., 406; 39 L. J. P. C. 21	121

GENERAL INDEX.

- ADMISSION of advocates and attorneys in colonial courts, 67
- Africa, coast of, imperial statutes relating to, 85
- South, ,, ,, 85
- West, ,, ,, 86
- America, North, British possessions in, imperial statutes relating to, 86
- South, colonies in, imperial statutes relating to, 89
- Antigua, imperial statutes relating to, 95
- Appeal to crown from colonial courts, 72, *seqq.*
- Appeals from the colonies, how prosecuted, 74, *seqq.*
- Australasia, imperial statutes relating to, 89
- Australian colonies, imperial statutes relating to, 90
- Australia, South, cases decided on appeal from, 109
- imperial statutes relating to, 90
- Western, ,, ,, 90
- case decided on appeal from, 114
-
- BAHAMAS, cases decided on appeal from, 145
- Barbadoes, imperial statutes relating to, 95
- Barbarous and desolate countries, government of settlements in, 9
- Berbice, cases decided on appeal from, 145
- Bermuda, cases decided on appeal from, 144
- Bishops, colonial, 16
- British Columbia, imperial statutes relating to, 86
- Guiana, cases decided on appeal from, 145
- law in, 11
- Kaffraria, imperial statutes relating to, 86
- Brooke, Rajah, 22
-
- CANADA, imperial statutes relating to, 87
- cases decided on appeal from, 115
- Lower, law in, 10
- Upper, law in, 5
- Cape Breton, case decided on appeal from, 128
- Cape of Good Hope, law in, 10
- cases on appeal from, 99

- Cape of Good Hope, imperial statutes relating to, 86
- Cases decided on appeal from the colonies, 97
- Ceylon, law in, 10
 - cases decided on appeal from, 151
 - imperial statutes relating to, 86
- Channel Islands, cases decided on appeal from, 155
- Church of England, the, in the colonies, 16
- Classification of the colonies, 44
- Colonial law, what, 43
 - laws, validity of, 55
 - legislative assemblies, privilege of, 49
 - legislature, definition of, 43
 - judges, removal of, 41, 59
 - officers, removal of, 41
- Colonies by settlement and by conquest or cession, distinction between; 18
 - imperial statutes relating to, in general, 79
 - particular, 85
 - with representative institutions, legislative power in, 45
 - with responsible government, 46
- Colony, definition of, 1
- Comity between England and the colonies where English and colonial law conflict, 55
- Commissioners of Compensation under Slavery Abolition Act, case on appeal from, 138
- Conquered colonies, law in, 10, *seqq.*
 - country, power to make new laws for, 15
- Contempt of court in colonies, 68, 70
- Criminal cases, appeal in, 72
- Crown colonies, legislative power in, 44

DEMERARA, cases decided on appeal from, 145

- ECCLERASTICAL law of England not carried to the colonies, 7
- Executive council, composition and appointment of in colonies without responsible government, 40
 - in colonies with responsible government, 41
 - where it sits as a Court of Error with the governor, 41
- Extension of operation of English law, 7, *seqq.*

FALKLAND ISLANDS, case decided on appeal from, 155
 law in, 4
 imperial statutes relating to, 93

Fiji, law in, 4

Fiji, imperial statute relating to, 93
 Foreign countries cannot be taken possession of by British subjects in their own right, 21
 Formation of colonies, modes of, 3
 French codes, prevalence of, 10

GIBRALTAR, cases decided on appeal from, 128
 Gold Coast, law on, 5
 Governments in chief, 24, *seqq.*
 Governor, appointment of, 24
 can assent to legislative measure in which he is individually interested, 36
 length of service, 25
 powers and duties of, 25
 liability of, to actions, 30, *seqq.*
 to criminal proceedings, 36, *seqq.*
 nature of office of, 27, *seqq.*
 Grenada, imperial statute relating to, 95
 Griqualand, cases decided on appeal from, 101
 Groups of colonies with provincial legislatures of their own, 47
 Guernsey, cases decided on appeal from, 161

HONDURAS, BRITISH, imperial statute relating to, 93
 cases decided on appeal from, 138
 Hong Kong, law in, 4
 cases decided on appeal from, 149
 imperial statutes relating to, 93

INCUMBERED ESTATES COURT, West Indies, case on appeal from, 138
 Inns of Court, none in colonies, 67
 Interlocutory petitions, 78
 Isle of Man, cases decided on appeal from, 162
 not a foreign dominion of the crown, 1, *note*

JAMAICA, cases on appeal from, 132
 imperial statutes relating to, 95
 Jersey, cases decided on appeal from, 155
 Judicial Committee of the Privy Council, constitution of, &c., 73, *seqq.*

LABUAN, imperial statute relating to, 93
 Leeward Islands, imperial statutes relating to, 96
 cases decided on appeal from, 139

Legislative institutions, effect of colony's receiving, 17
powers, effect of granting to colony, 15
power of sovereign in colonies, 17, 18

MALTA, cases decided on appeal from, 131
imperial statutes relating to, 93

Mauritius, cases decided on appeal from, 153
imperial statutes relating to, 93
law in, 10

NATAL, law in, 10

cases decided on appeal from, 101

New Brunswick, cases decided on appeal from, 127
imperial statutes relating to, 89

New courts to administer new law, sovereign cannot establish, 19

Newfoundland, cases decided on appeal from, 126
imperial statutes relating to, 89

New laws for conquered country, power to make, 15

Newly-settled countries, law in colonies in, 3, *seqq.*

New South Wales, law in, 4

cases decided on appeal from, 103
imperial statutes relating to, 90

New Zealand, native law in, 5

cases decided on appeal from, 115
imperial statutes relating to, 92

Norfolk Island, imperial statute relating to, 93

Nova Scotia, cases decided on appeal from, 127
imperial statute relating to, 89

OLD FRENCH LAW, prevalence of, 10

PACIFIC ISLANDS, imperial statutes relating to, 94

Parliament, legislative authority of paramount in colonies, 20

Penang, cases decided on appeal from, 151

Practice of the Privy Council, cases upon, 165

Practitioners, discipline over in colonial courts, 67, *seqq.*

Prince Edward's Island, cases decided on appeal from, 128
imperial statute relating to, 89

Privileges of colonial legislative assemblies, 49, *seqq.*

Privy Council, judicial committee of, 73, *seqq.*

QUEENSLAND, cases decided on appeal from, 109
imperial statute relating to, 91

REPRESENTATIVE LEGISLATURE, effect of granting, 15, 43
Respondent, notice of appeal to, 76
Roman-Dutch law, prevalence of, 10

ST. HELENA, cases decided on appeal from, 155
imperial statute relating to, 94

S. Lucia, law in, 10

S. Vincent, imperial statute relating to, 96

Sarawak, consul to, 23

Sierra Leone, cases decided on appeal from, 102

South Australia, cases decided on appeal from, 109
imperial statutes relating to, 90

Status in colony, 14

Statutes held inapplicable to various places, 6, *seqq.*
relating to Africa, coast of, 85

South, 85

Western, 86

America, N., British possessions in, 86

America, N., north-western territories of, 86

America, South, colonies in, 89

Antigua, 95

Australasia, 90

Australian colonies, 90

Australia, South, 90

Australia, Western, 90

Barbadoes, 95

Barbuda, 95

British Columbia, 86

British Kaffraria, 86

Canada, 87

Cape of Good Hope, 86

Ceylon, 93

Falkland Islands, 93

Fiji, 93

Grenada, 95

Honduras, British, 93

Hong Kong, 93

Jamaica, 95

Labuan, 93

Leeward Islands, 96

Malta, 93

Mauritius, 93

New Brunswick, 89

Statutes relating to Newfoundland, 89
 New South Wales, 90
 New Zealand, 92
 Norfolk Island, 93
 Pacific Islands, 94
 Prince Edward's Island, 89
 Queensland, 91
 S. Helena, 94
 S. Vincent, 96
 Straits Settlements, 94
 Tobago, 96
 Vancouver's Island, 89
 Van Diemen's Land, 91
 Victoria, 91
 West India Islands, 94
Straits Settlements, imperial statutes relating to, 94
Suspending practitioners from practice in the colonies, 67

TOBAGO, imperial statute relating to, 96
Transcript of proceedings on appeal, 75
Trinidad, cases decided on appeal from, 144

VALIDITY of colonial laws, 55
Vancouver's Island, imperial statutes relating to, 89
Van Diemen's Land, law in, 4
 cases decided on appeal from, 114
 imperial statutes relating to, 91
Victoria, imperial statutes relating to, 91
 cases decided on appeal from, 110

WEST AUSTRALIA, case decided on appeal from, 114
 imperial statutes relating to, 90
West India Islands, cases decided on appeal from, 132
 imperial statutes relating to, 94
Windward Islands, cases decided on appeal from, 140

A CATALOGUE

OF

LAW WORKS

PUBLISHED AND SOLD BY

STEVENS & HAYNES,

Law Publishers, Booksellers & Exporters,

13, BELL YARD, TEMPLE BAR,
LONDON.

BOOKS BOUND IN THE BEST BINDINGS.

Works in all Classes of Literature supplied to Order.

FOREIGN BOOKS IMPORTED.

LIBRARIES VALUED FOR PROBATE, PARTNERSHIP,
AND OTHER PURPOSES.

LIBRARIES OR SMALL COLLECTIONS OF BOOKS PURCHASED.

*A large Stock of Reports of the various Courts of England, Ireland,
and Scotland, always on hand.*

Catalogues and Estimates Furnished, and Orders Promptly Executed.

NOTE.—To avoid confusing our firm with any of a similar name,
we beg to notify that we have no connexion whatever with any
other house of business, and we respectfully request that Corre-
spondents will take special care to direct all communications to
the above names and address.

INDEX OF SUBJECTS.

	PAGE		PAGE
ADMINISTRATORS—		COMMERCIAL AGENCY—	
Walker	6	Campbell	9
ADMIRALTY LAW—		COMMON LAW—	
Jones	14	Indermaur	24
Kay	17	COMMON PLEAS DIVISION, Practice	
Smith	23	of—	
ARTICLED CLERKS—		Griffith and Loveland	6
See STUDENTS.		COMPANIES LAW—	
ARTIZANS AND LABOURERS'		Brice	16
DWELLINGS—Lloyd	13	Buckley	17
ASSAULTS—		Reilly's Reports	29
See MAGISTERIAL LAW.		Smith	39
BALLOT ACT—		Watts	47
Bushby	33	See MAGISTERIAL LAW.	
BANKRUPTCY—		COMPENSATION—	
Baldwin	15	Browne	19
Ringwood	15	Lloyd	13
BAR EXAMINATION JOURNAL	39	COMPULSORY PURCHASE—	
BIBLIOGRAPHY	40	Browne	19
BILLS OF LADING—		CONSTABLES—	
Campbell	9	See POLICE GUIDE.	
Kay	17	CONSTITUTIONAL LAW AND	
BILLS OF SALE—		HISTORY—	
Baldwin	15	Forsyth	14
Ringwood	15	Taswell-Langmead	21
BIRTHS AND DEATHS REGIS-		Thomas	28
TRATION—		CONTRACTS—	
Flaxman	43	Kay	17
BUILDING LEASES AND CON-		CONVEYANCING—	
TRACTS—		Copinger, Title Deeds	45
Emden	8	Copinger, Precedents in	40
CAPACITY—		Deane, Principles of	23
See PRIVATE INTERNATIONAL		Williams	7
LAW.		COPYRIGHT—	
CAPITAL PUNISHMENT—		Copinger	45
Copinger	42	CORPORATIONS—	
CARRIERS—		Brice	16
See RAILWAY LAW.		Browne	19
„ SHIPMASTERS.		COSTS, Crown Office—	
CHANCERY DIVISION, Practice of—		Short	41
Brown's Edition of Snell	22	COVENANTS FOR TITLE—	
Griffith and Loveland	6	Copinger	45
Indermaur	25	CREW OF A SHIP—	
Williams	7	Kay	17
And See EQUITY.		CRIMINAL LAW—	
CHARITABLE TRUSTS—		Copinger	42
Cooke	10	Harris	27
Whiteford	20	See MAGISTERIAL LAW.	
CHURCH AND CLERGY—		CROWN LAW—	
Brice	9	Forsyth	14
CIVIL LAW—		Hall	30
See ROMAN LAW.		Kelyng	35
CODES—Argles	32	Taswell-Langmead	21
COLLISIONS AT SEA—Kay	17	Thomas	28
COLONIAL LAW—		CROWN PRACTICE—	
Canada	28	Corner	10
Cape Colony	38	CUSTOM AND USAGE—	
Forsyth	14	Browne	19
New Zealand Jurist	18	Mayne	38
New Zealand Statutes	18	CUSTOMS—	
Tarring	41	See MAGISTERIAL LAW.	

INDEX OF SUBJECTS—continued.

	PAGE		PAGE
DAMAGES—		GAME LAWS—Locke	32
Mayne	31	See MAGISTERIAL LAW.	
DICTIONARIES—		HACKNEY CARRIAGES—	
Brown	26	See MAGISTERIAL LAW.	
DIGESTS—		HINDU LAW—	
Law Magazine Quarterly Digest .	37	Coghlan	28
Menzies' Digest of Cape Reports.	38	Cunningham	38 and 42
DISCOVERY—		Mayne	38
Griffith's Judicature Acts . . .	6	Michell	44
DISTRICT REGISTRIES—		HISTORY—	
Simmons	6	Braithwaite	18
DIVORCE—Harrison	23	Taswell-Langmead	21
DOMICIL—		HYPOTHECATION—	
See PRIVATE INTERNATIONAL		Kay	17
LAW.		INDEX TO PRECEDENTS—	
DUTCH LAW	38	Copinger	40
ECCLESIASTICAL LAW—		INFANTS—	
Brice	9	Simpson	43
Smith	23	INJUNCTIONS—	
EDUCATION ACTS—		Joyce	11
See MAGISTERIAL LAW.		INSTITUTE OF THE LAW—	
ELECTION LAW and PETITIONS—		Brown's Law Dictionary . . .	26
Bushby	33	INTERNATIONAL LAW—	
Hardcastle	33	Clarke	44
O'Malley and Hardcastle . . .	33	Foote	36
Seager	47	Law Magazine	37
EQUITY—		INTERROGATORIES AND DIS-	
Choyce Cases	35	COVERY—	
Pemberton	32	Griffith and Loveland's Edition of	
Snell	22	the Judicature Acts	6
Williams	7	INTOXICATING LIQUORS—	
EVIDENCE—		See MAGISTERIAL LAW.	
See USAGES AND CUSTOMS.		JOINT STOCK COMPANIES—	
EXAMINATION OF STUDENTS—		See COMPANIES.	
Bar Examination Journal . . .	39	JUDICATURE ACTS—	
Indermaur	24 and 25	Cunningham and Mattinson . .	7
EXECUTORS—		Griffith	6
Walker	6	Indermaur	25
EXCHEQUER DIVISION, Practice of—		Kelke	6
Griffith and Loveland	6	JURISPRUDENCE—Forsyth . . .	14
EXTRADITION—		JUSTINIAN'S INSTITUTES—	
Clarke	44	Campbell	47
See MAGISTERIAL LAW.		Harris	20
FACTORIES—		LANDS CLAUSES CONSOLIDA-	
See MAGISTERIAL LAW.		TION ACT—	
FISHERIES—		Lloyd	13
See MAGISTERIAL LAW.		LAND, IMPROVEMENT OF, by	
FIXTURES—		Buildings—	
Brown	33	Emden	8
FOREIGN LAW—		LATIN MAXIMS	28
Argles	32	LAW DICTIONARY—	
Dutch Law	38	Brown	26
Foote	36	LAW MAGAZINE and REVIEW.	37
Harris	47	LEADING CASES—	
FORGERY—		Common Law	25
See MAGISTERIAL LAW.		Constitutional Law	28
FRAUDULENT CONVEYANCES—		Equity and Conveyancing . . .	25
May	29	Hindu Law	28
GAIUS INSTITUTES—		LEADING STATUTES—	
Harris	20	Thomas	28

INDEX OF SUBJECTS—*continued.*

	PAGE		PAGE
LEASES—		PARLIAMENTARY PRACTICE—	
Copingor	45	Browne	19
LEGACY AND SUCCESSION—		PARTITION—	
Hanson	10	Walker	43
LEGITIMACY AND MARRIAGE—		PASSENGERS—	
<i>See</i> PRIVATE INTERNATIONAL LAW.		<i>See</i> MAGISTERIAL LAW.	
LICENSES—		„ RAILWAY LAW.	
<i>See</i> MAGISTERIAL LAW.		PASSENGERS AT SEA—	
LIFE ASSURANCE—		Kay	17
Buckley	17	PATENT CASES—	
Reilly	29	Higgins	12
LIMITATION OF ACTIONS—		PAWNBROKERS—	
Banning	42	<i>See</i> MAGISTERIAL LAW.	
LIQUIDATION with CREDITORS—		PERSONATION AND IDENTITY—	
Baldwin	15	Moriarty	14
Ringwood	15	PETITIONS IN CHANCERY AND	
And <i>see</i> BANKRUPTCY.		LUNACY—	
LLOYD'S BONDS	14	Williams	7
LUNACY—		PILOTS—	
Williams	7	Kay	17
MAGISTERIAL LAW—		POLICE GUIDE—	
Greenwood and Martin	46	Greenwood and Martin	46
MALICIOUS INJURIES—		POLLUTION OF RIVERS—	
<i>See</i> MAGISTERIAL LAW.		Higgins	30
MARRIAGE AND LEGITIMACY—		PRACTICE BOOKS—	
Foote	36	Bankruptcy	15
MARRIED WOMEN'S PRO-		Companies Law	29 and 39
PERTY ACTS—		Compensation	13
Walker's Edition of Griffith	40	Compulsory Purchase	19
MASTER AND SERVANT—		Conveyancing	45
<i>See</i> SHIPMASTERS & SEAMEN.		Damages	31
MASTERS AND SERVANTS—		Ecclesiastical Law	9
<i>See</i> MAGISTERIAL LAW.		Election Petitions	33
MERCANTILE LAW	32	Equity	7, 22 and 32
Campbell	9	High Court of Justice	6 and 25
<i>See</i> SHIPMASTERS and SEA-		Injunctions	11
MEN.		Judicature Acts	6 and 25
„ STOPPAGE INTRANSITU.		Magisterial	46
MERCHANDISE MARKS—		Pleading, Precedents of	7
Daniel	42	Privy Council	44
MINES—		Railways	14
Harris	47	Railway Commission	19
<i>See</i> MAGISTERIAL LAW.		Rating	19
MORTMAIN—		Supreme Court of Judicature	6 and 25
<i>See</i> CHARITABLE TRUSTS.		PRECEDENTS OF PLEADING—	
NATIONALITY—		Cunningham and Mattinson	7
<i>See</i> PRIVATE INTERNATIONAL LAW.		PRIMOGENITURE—	
NEGLECT—		Lloyd	13
Campbell	40	PRINCIPLES—	
NEW ZEALAND—		Brice (Corporations)	16
Jurist Journal and Reports	18	Browne (Rating)	19
Statutes	18	Deane (Conveyancing)	23
OBLIGATIONS—		Harris (Criminal Law)	27
Brown's Savigny	20	Houston (Mercantile)	32
PARLIAMENT—		Indermaur (Common Law)	24
Taswell-Langmead	21	Joyce (Injunctions)	11
Thomas	28	Ringwood (Bankruptcy)	15
		Snell (Equity)	22

INDEX OF SUBJECTS—*continued.*

	PAGE		PAGE
PRIORITY—		SALVAGE—	
Robinson	32	Jones	14
PRIVATE INTERNATIONAL LAW—		Kay	17
Footc	36	SANITARY ACTS—	
PRIVY COUNCIL—		See MAGISTERIAL LAW.	
Michell	44	SEA SHORE—	
PROBATE—		Hall	30
Hanson	10	SHIPMASTERS AND SEAMEN—	
Harrison	23	Kay	17
PROMOTERS—		SOCIETIES—	
Watts	47	See CORPORATIONS.	
PUBLIC WORSHIP—		STAGE CARRIAGES—	
Brice	9	See MAGISTERIAL LAW.	
QUEEN'S BENCH DIVISION, Practice		STAMP DUTIES—	
of—		Copinger	40 and 45
Griffith and Loveland	6	STATUTE OF LIMITATIONS—	
Indermaur	25	Banning	42
QUESTIONS FOR STUDENTS—		STATUTES—	
Indermaur	25	Hardcastle	9
Bar Examination Journal	39	New Zealand	18
RAILWAYS—		Thomas	28
Browne	19	STOPPAGE IN TRANSITU—	
Godefroi and Shortt	14	Campbell	9
Goodeve	29	Houston	32
Lloyd	13	Kay	17
See MAGISTERIAL LAW.		STUDENTS' BOOKS	20—28, 39, 47
RATING—		SUCCESSION DUTIES—	
Browne	19	Hanson	10
REAL PROPERTY—		SUCCESSION LAWS—	
Deane	23	Lloyd	13
Tarring	26	SUPREME COURT OF JUDICA-	
REGISTRATION—		TURE, Practice of—	
Flaxman (Births and Deaths)	43	Cunningham and Mattinson	7
Seager (Parliamentary)	47	Griffith and Loveland	6
REMINISCENCE—		Indermaur	25
Braithwaite	18	TELEGRAPHS—	
REPORTS—		See MAGISTERIAL LAW.	
Bellewe	34	TITLE DEEDS—	
Brooke	35	Copinger	45
Choyce Cases	35	TOWNS IMPROVEMENTS—	
Cooke	35	See MAGISTERIAL LAW.	
Cunningham	34	TRADE MARKS—	
Election Petitions	33	Daniel	42
Finlason	32	TREASON—	
Gibbs, Case of Lord Henry Sey-		Kelyng	35
mour's Will	10	Taswell-Langmead	21
Kelyng, John	35	TRIALS—Queen v. Gurney	32
Kelynge, William	35	ULTRA VIRES—	
New Zealand Jurist	18	Brice	16
Reilly	29	USAGES AND CUSTOMS—	
Shower (Cases in Parliament)	34	Browne	19
ROMAN DUTCH LAW—		Mayne	38
Van Leeuwen	38	VOLUNTARY CONVEYANCES—	
ROMAN LAW—		May	29
Brown's Analysis of Savigny	20	WATER COURSES—	
Campbell	47	Higgins	30
Harris	20	WILLS, CONSTRUCTION OF—	
		Gibbs, Report of Wallace v.	
		Attorney-General	10

In one volume, 8vo, price 21s., cloth,

A COMPENDIUM OF THE LAW RELATING TO EXECUTORS & ADMINISTRATORS,

WITH AN APPENDIX OF STATUTES,
ANNOTATED BY MEANS OF REFERENCES TO THE TEXT.

By W. GREGORY WALKER, B.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, AUTHOR OF "THE PARTITION ACTS, 1868 AND 1876; A MANUAL OF THE LAW OF PARTITION AND OF SALE IN LIEU OF PARTITION," AND EDITOR OF GRIFFITH'S "MARRIED WOMEN'S PROPERTY ACTS."

"We highly approve of Mr. Walker's arrangement. . . . The Notes are full, and as far as we have been able to ascertain, carefully and accurately compiled. . . . We can commend it as bearing on its face evidence of skillful and careful labour, and we anticipate that it will be found a very acceptable substitute for the ponderous tomes of the much esteemed and valued Williams."—*Law Times*.

"Mr. Walker is fortunate in his choice of a subject, and the power of treating it succinctly, for the ponderous tomes of Williams, however satisfactory as an authority, are necessarily inconvenient for reference as well as expensive. . . . On the whole we are inclined to think the book a good and useful one."—*Law Journal*.

In one thick volume, 8vo, price 30s., cloth lettered,

THE SUPREME COURT OF JUDICATURE ACTS,

1873, 1875 & 1877:

THE APPELLATE JURISDICTION ACT, 1876,

AND THE RULES, ORDERS, AND COSTS THEREUNDER: EDITED WITH NOTES, REFERENCES, AND A COPIOUS ANALYTICAL INDEX.

Second Edition.

EMBODYING ALL THE REPORTED CASES TO MICHAELMAS SITTINGS, 1877,
AND A TIME TABLE.

By WILLIAM DOWNES GRIFFITH,

OF THE INNER TEMPLE, BARRISTER-AT-LAW, AND A JUDGE OF COUNTY COURTS; AUTHOR OF "GRIFFITH'S BANKRUPTCY," &c.; AND

RICHARD LOVELAND LOVELAND,

OF THE INNER TEMPLE, BARRISTER-AT-LAW, EDITOR OF "KELVING'S CROWN CASES," "SHOWER'S CASES IN PARLIAMENT," AND "HALL'S ESSAY ON THE RIGHTS OF THE CROWN IN THE SEASHORE," &c.

REVIEWS.

"Our modern reform is real, and it is certainly beneficent, and depending as it does much upon the decisions of the judges, it is no small advantage that it is so ably explained by such authors and editors as Mr. Griffith and Mr. Loveland."—*Law Times*.

"Mr. W. Downes Griffith appears to have met

with the success which we confidently anticipated for his book when it first came out. His system of annotation remains fuller than that of most of his contemporaries, and rises not unfrequently to the rank of an Excursus on a branch of Law."—*Law Magazine and Review*.

In royal 12mo, price 4s., cloth,

A DIGEST OF THE LAW OF

PRACTICE UNDER THE JUDICATURE ACTS AND RULES,

AND THE CASES DECIDED IN THE CHANCERY AND COMMON LAW DIVISIONS
FROM NOVEMBER 1875, TO AUGUST 1880.

By W. H. HASTINGS KELKE, M.A., Barrister-at-Law.

In royal 12mo, price 3s. 6d., cloth,

THE PRESENT PRACTICE IN

DISTRICT REGISTRIES OF THE COMMON LAW DIVISION OF THE HIGH COURT OF JUSTICE.

By FRANK SIMMONS.

In 8vo, price 6s., cloth,

THE NEW CONVEYANCING ACTS.

INCLUDING

**THE CONVEYANCING AND LAW OF PROPERTY ACT, 1881,
AND THE SOLICITORS REMUNERATION ACT, 1881.**

WITH AN INTRODUCTION, NOTES, AND FORMS.

By SYDNEY E. WILLIAMS, of Lincoln's Inn, Barrister-at-Law,

Author of "Petitions in Chancery and Lunacy."

In one volume, 8vo, price 18s., cloth,

THE LAW AND PRACTICE RELATING TO

PETITIONS IN CHANCERY AND LUNACY,

INCLUDING

THE SETTLED ESTATES ACT, LANDS CLAUSES ACT, TRUSTEE ACT, WINDING-UP PETITIONS, PETITIONS RELATING TO SOLICITORS, INFANTS, ETC., ETC.

WITH AN APPENDIX OF FORMS AND PRECEDENTS.

By SYDNEY E. WILLIAMS, of Lincoln's Inn, Barrister-at-Law.

"Mr. Williams' arrangement of the procedure under his various headings, which include Payment out, Trustee Relief Act, Lands Clauses Act, Settled Estates Act, and many other subjects of jurisdiction which have from time to time been conferred on the Court of Chancery or the Lunacy jurisdiction by special statutes, is very convenient. The chapter on the Lands Clauses Act is especially good."—*Law Times*.

"The book is furnished with a selection of Forms and Precedents; the arrangement of matter seems convenient; and we have found it easy to consult. We have not observed any important omission within the scope of the Treatise, and the writer deserves the praise of having put together with some skill an unpretending work, which is at least more useful than certain larger law books we know of."—*Solicitors' Journal*.

In 8vo, price 28s., cloth,

A SELECTION OF PRECEDENTS OF PLEADING

UNDER THE JUDICATURE ACTS IN THE COMMON LAW DIVISIONS.

With Notes explanatory of the different Causes of Action and Grounds of Defence; and an Introductory Treatise on the Present Rules and Principles of Pleading as illustrated by the various Decisions down to the Present Time.

By JOHN CUNNINGHAM, of the Middle Temple, Barrister-at-Law,

Author of the "Law Relating to Parliamentary and Municipal Elections;" and

MILES WALKER MATTINSON, of Gray's Inn, Barrister-at-Law.

REVIEWS.

"The notes are very pertinent and satisfactory: the introductory chapters on the present system of pleading are excellent, and the precedents will be found very useful."—*Irish Law Times*.

"For pupils, also, and beginners at the bar, the book will be very useful; because these, never having served an apprenticeship to the old system, are very apt to omit allegations, essential in certain cases to the validity of a pleading. The authors of the book before us have introduced their collection of forms to the reader by an essay on pleading under the new rules; and we think that a perusal of this essay, which is written in an attractive style, would do a great deal of good both to barristers and masters. . . . We think that the authors have deserved well of the profession, and that they have produced a book likely to grow in favour even among those who at first might conceive a prejudice against a work of this kind."—*Law Journal*.

"A work which, in the compass of a single portable volume, contains a brief Treatise on the Principles and Rules of Pleading, and a carefully annotated body of Forms which have to a great extent gone through the entirely separate sifting processes of Chambers, Court, and Judges' Chambers, cannot fail to be a most useful companion in the Practitioner's daily routine."—*Law Magazine and Review*.

"The work contains a treatise on the new rules of pleading which is well written, but would bear compression. To most of the precedents there are notes referring to the decisions which are most useful to the pleader in connection with the particular cause of action involved. We are disposed to think that this is the most valuable portion of the work. It is extremely convenient to have some work which collects notes of this sort in connection with pleading."—*Solicitors' Journal*.

Now ready, in royal 12mo, price 20s., cloth.

EMDEN'S LAW RELATING TO BUILDING LEASES & BUILDING CONTRACTS, THE IMPROVEMENT OF LAND BY, AND THE CONSTRUCTION OF, BUILDINGS.

WITH A FULL COLLECTION OF

PRECEDENTS

OF AGREEMENTS FOR BUILDING LEASES, BUILDING LEASES, CONTRACTS
FOR BUILDING, BUILDING GRANTS, MORTGAGES, AND OTHER FORMS
WITH RESPECT TO MATTERS CONNECTED WITH BUILDING.

TOGETHER WITH THE

STATUTES RELATING TO BUILDING,
WITH NOTES AND THE LATEST CASES UNDER THE VARIOUS SECTIONS.

AND

A Glossary of Architectural and Building Terms.

BY ALFRED EMDEN,

OF THE INNER TEMPLE, ESQ., BARRISTER-AT-LAW.

"It is obvious that the number of persons interested in the subject of building is no small one. To supply the wants of this class by providing a treatise devoted exclusively to the law of building and kindred matters has been accordingly the main object of Mr. Emden's labours. We are able on the whole to say with confidence that his efforts deserve reward. His arrangement of the subject is clear and perspicuous. . . . It may be said without hesitation that they have been dealt with in a manner which merits high commendation."—*Law Times*.

"This is a careful digest of a branch of the law which, so far as we know, has not yet been fully treated. . . . The book seems to us a very complete and satisfactory manual, alike for the lawyer as for the architect and the builder."—*Solicitors' Journal*.

"Mr. Emden has obviously given time and labour to his task, and therefore will save time and labour to those who happen to be occupied in the same field of enquiry."—*Law Journal*.

"In this work Mr. Emden has collected and systematically arranged a mass of legal lore relating to Building Leases, Building Contracts, and generally to the improvement of land by buildings and their construction. The lawyer, the architect, and the contractor will here find brought into a focus and readily available, information which would, but for this convenient volume, have to be sought for in various quarters."—*Law Magazine*.

"It may safely be recommended as a practical text-book and guide to all people whose fortune or misfortune it is to be interested in the construction of buildings and other works."—*Saturday Review*.

"In such cases it is serviceable to possess a book like Mr. Emden's on 'the Law of Building Leases, Building Contracts, and Buildings.' The subjects, it is needless to say, are difficult, but the exposition of them is sufficiently plain to be comprehended by every intelligent layman. Mr. Emden's book is incomparably the best among those which are professedly intended for the use of architects, builders, agents, as well as lawyers throughout the pages there is not a paragraph to be discovered which is not perfectly clear."—*The Architect*.

"Mr. Emden's very useful handbook, which supplies a desideratum long felt by lawyers, architects, and others engaged in preparing leases, contracts, and in building operations generally. The work is well printed, and marginal references are given throughout."—*Building News*.

"To supply this want is the writer's object in publishing this work, and we have no hesitation in expressing our opinion that it will be found valuable by several distinct classes of persons. . . . it seems to us a good and useful book, and we recommend the purchase of it without hesitation."—*The Builder*.

"We are aware of no other work which deals exclusively with the law relating to buildings and contracts to build. Mr. Emden writes in an unusually clear style for the compiler of a law book, and has not failed to note the latest decisions in the law courts. His list of precedents is very full."—*The Field*.

"From the point of view of practical utility the work cannot fail to be of the greatest to all who require a little law in the course of their building operations. They will find both a sound arrangement and a clear sensible style, and by perusing it with ordinary attention many matters of which they were before doubtful will become quite comprehensible."—*City Press*.

In one volume, royal 8vo, price 30s., cloth,
**THE LAW RELATING TO THE
 SALE OF GOODS AND COMMERCIAL AGENCY.**

By ROBERT CAMPBELL, M.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW; ADVOCATE OF THE SCOTCH BAR;
 AUTHOR OF THE "LAW OF NEGLIGENCE," ETC.

"His book will, we are convinced, prove of great service as a thoughtful and clear exposition of a branch of law of practical interest, not only to the legal profession, but also to the merchant, the shipper, the underwriter and the broker, and to the mercantile community in general. The Table of Contents is analytical and remarkably full; being, in fact, almost an Index within an Index."—*Law Magazine*.

"Notwithstanding the existence of the works referred to by the author in his preface, he has produced a treatise which cannot fail to be of utility to practising-lawyers, and to increase his own reputation."—*Law Times*.

In one volume, 8vo, 1879, price 20s., cloth,

**A TREATISE ON THE RULES WHICH GOVERN
 THE CONSTRUCTION AND EFFECT
 OF STATUTORY LAW.**

WITH AN APPENDIX

OF CERTAIN WORDS AND EXPRESSIONS USED IN STATUTES, WHICH
 HAVE BEEN JUDICIALLY OR STATUTABLY CONSTRUED.

By HENRY HARDCASTLE,

OF THE INNER TEMPLE, BARRISTER-AT-LAW;
 EDITOR-OF "BUSHBY'S ELECTION LAW," "HARDCASTLE'S ELECTION PETITIONS," AND
 JOINT-EDITOR OF "ELECTION PETITION REPORTS."

"We should be doing less than justice, however, to the usefulness of Mr. Hardcastle's book if we did not point out a valuable special feature, consisting of an appendix devoted to the collection of a list of words which have been judicially or statutably explained, with reference to the cases in which they are so explained. We believe this is a feature peculiar to Mr. Hardcastle's Treatise, and it is one which cannot fail to commend itself to the profession."—*Law Magazine and Review*.

"A vast amount of information will be found in its pages—much of it arranged so as to be got at without much difficulty; the chapters and sections being headed with lines of indication. We can only hope Mr. Hardcastle will receive that measure of success to which the amount of labour which he has evidently bestowed upon the work entitles him."—*Law Times*.

"Its method and object are excellent, and it appears to be the fruit of much careful study."—*Daily News*.

In one volume, 8vo, price 28s., cloth,

THE LAW RELATING TO PUBLIC WORSHIP;

WITH SPECIAL REFERENCE TO

Matters of Ritual and Ornamentation,

AND THE MEANS OF SECURING THE DUE OBSERVANCE THEREOF,

AND CONTAINING IN EXTENSO,

WITH NOTES AND REFERENCES,

THE PUBLIC WORSHIP REGULATION ACT, 1874; THE CHURCH DISCIPLINE ACT;
 THE VARIOUS ACTS OF UNIFORMITY; THE LITURGIES OF 1549, 1552, AND 1559,
 COMPARED WITH
 THE PRESENT RUBRIC; THE CANONS; THE ARTICLES; AND THE INJUNCTIONS,
 ADVERTISEMENTS, & OTHER ORIGINAL DOCUMENTS OF LEGAL AUTHORITY.

By SEWARD BRICE, LL.D.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"To the vast number of people who in various ways are interested in the working of the Act, Mr. Brice's volume cannot fail to be welcome. It is well conceived and carefully executed."—THE TIMES.

Third Edition, in 8vo, 1876, price 25s., cloth,

THE ACTS RELATING TO

PROBATE, LEGACY, & SUCCESSION DUTIES.

COMPRISING THE

36 GEO. III., CAP. 52; 45 GEO. III., CAP. 28; 55 GEO. III., CAP. 184;
AND 16 & 17 VICT., CAP. 51;

WITH AN INTRODUCTION, COPIOUS NOTES, AND REFERENCES

To all the Decided Cases in England, Scotland, and Ireland;

AN APPENDIX OF STATUTES, TABLES, AND A FULL INDEX.

By ALFRED HANSON,

OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW, COMPTROLLER OF LEGACY AND SUCCESSION DUTIES.

THIRD EDITION, INCORPORATING THE CASES TO MICHAELMAS SITTINGS, 1876.

"It is the only complete book upon a subject of great importance.

"Mr. Hanson is peculiarly qualified to be the adviser at such a time. Hence a volume without a rival."—*Law Times*.

"His book is in itself a most useful one; its author knows every in and out of the subject, and has presented the whole in a form easily and readily handled, and with good arrangement and clear exposition."—*Solicitors' Journal*.

In royal 8vo, 1877, price 10s., cloth,

LES HOSPICES DE PARIS ET DE LONDRES.

THE CASE OF LORD HENRY SEYMOUR'S WILL

(WALLACE *v.* THE ATTORNEY-GENERAL).

Reported by FREDERICK WAYMOUTH GIBBS, C.B., Barrister-at-Law,

LATE FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

In preparation, and to be published shortly,

CORNER'S CROWN PRACTICE :

Being the Practice of the Crown Side of the Queen's Bench Division of the High Court of Justice; with an Appendix of Rules, Forms, Scale of Costs and Allowances, &c.

SECOND EDITION.

By FREDERICK H. SHORT, of the Crown Office, and M. D. CHALMERS,

OF THE INNER TEMPLE, BARRISTER-AT-LAW, AUTHOR OF "DIGEST OF THE LAW OF
BILLS OF EXCHANGE."

In 8vo, 1867, price 16s., cloth,

CHARITABLE TRUSTS ACTS, 1853, 1855, 1860;

THE CHARITY COMMISSIONERS JURISDICTION ACT, 1862;

THE ROMAN CATHOLIC CHARITIES ACTS:

Together with a Collection of Statutes relating to or affecting Charities, including the Mortmain Acts, Notes of Cases from 1853 to the present time, Forms of Declarations of Trust, Conditions of Sale, and Conveyance of Charity Land, and a very copious Index. Second Edition.

By HUGH COOKE and R. G. HARWOOD, of the Charity Commission.

"Charities are so numerous, so many persons are directly or indirectly interested in them, they are so much abused, and there is such a growing desire to rectify those abuses and to call in the aid of the commissioners for a more beneficial application of their funds, and we are not surprised to receive a

second edition of a collection of all the statutes that regulate them, admirably annotated by two such competent editors as Messrs. Cooke and Harwood, whose official experience peculiarly qualifies them for the task."—*Law Times*.

In one volume, royal 8vo, 1877, price 30s., cloth,

THE DOCTRINES & PRINCIPLES OF THE LAW OF INJUNCTIONS.

By WILLIAM JOYCE,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

"Mr. Joyce, whose learned and exhaustive work on 'The Law and Practice of Injunctions,' has gained such a deservedly high reputation in the Profession, now brings out a valuable companion volume on the 'Doctrines and Principles' of this important branch of the Law. In the present work the Law is enunciated in its abstract rather than its concrete form, as few cases as possible being cited; while at the same time no statement of a principle is made unsupported by a decision, and for the most part the very language of the Courts has been adhered to. Written as it is by so acknowledged a master of his subject, and with the conscientious carefulness that might be expected from him, this work cannot fail to prove of the greatest assistance alike to the Student—who wants to grasp principles freed from their superincumbent details—and to the practitioner, who wants to refresh his memory on points of doctrine amidst the oppressive details of professional work."—*Law Magazine and Review*.

BY THE SAME AUTHOR.

In two volumes, royal 8vo, 1872, price 70s., cloth,

THE LAW & PRACTICE OF INJUNCTIONS.

EMBRACING

ALL THE SUBJECTS IN WHICH COURTS OF EQUITY
AND COMMON LAW HAVE JURISDICTION.

By WILLIAM JOYCE,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

REVIEWS.

"A work which aims at being so absolutely complete, as that of Mr. Joyce upon a subject which is of almost perpetual recurrence in the Courts, cannot fail to be a welcome offering to the profession, and, doubtless, it will be well received and largely used, for it is as absolutely complete as it aims at being. . . . This work is, therefore, eminently a work for the practitioner, being full of practical utility in every page, and every sentence, of it. . . . We have to congratulate the profession on this new acquisition to a digest of the law, and the author on his production of a work of permanent utility and fame."—*Law Magazine and Review*.

"Mr. Joyce has produced not a treatise but a complete and compendious *exposition* of the Law and Practice of Injunctions both in equity and common law.

"Part III. is devoted to the practice of the Courts. Contains an amount of *valuable and technical matter nowhere else collected*.

"From these remarks it will be sufficiently perceived what elaborate and painstaking industry, as well as legal knowledge and ability, has been necessary in the compilation of Mr. Joyce's work. No labour has been spared to save the practitioner labour, and no research has been omitted which could tend towards the elucidation and exemplification of the general principles of the Law and Practice of Injunctions."—*Law Journal*.

"He does not attempt to go an inch beyond that for which he has express written authority; he allows the cases to speak, and does not speak for them.

"The work is something more than a treatise on the Law of Injunctions. It gives us the general law on almost every subject to which the process of injunction is applicable. Not only English, but American decisions are cited, the aggregate number being 3,500, and the statutes cited 160, whilst, the index is, we think, the most elaborate we have ever seen—occupying nearly 200 pages. The work is probably entirely exhaustive."—*Law Times*.

"This work, considered either as to its matter or manner of execution, is no ordinary work. It is a complete and exhaustive treatise both as to the law and the practice of granting injunctions. It must supersede all other works on the subject. The terse statement of the practice will be found of incalculable value. We know of no book as suitable to supply a knowledge of the law of injunctions to our common law friends as Mr. Joyce's exhaustive work. It is alike indispensable to members of the Common Law and Equity Bars. Mr. Joyce's great work would be a casket without a key unless accompanied by a good index. His index is very full and well arranged. We feel that this work is destined to take its place as a standard text-book, and the text-book on the particular subject of which it treats. The author deserves great credit for the very great labour bestowed upon it. The publishers, as usual, have acquitted themselves in a manner deserving of the high reputation they bear."—*Canada Law Journal*.

HIGGINS'S DIGEST OF PATENT CASES.

Price 21s.,

A DIGEST OF THE REPORTED CASES

RELATING TO THE

LAW AND PRACTICE OF LETTERS PATENT FOR INVENTIONS,

Decided from the passing of the Statute of Monopolies to the present time ;

Together with an Appendix, giving the Reported Cases from June, 1875, to March, 1880,
as also some Cases not reported elsewhere.

By CLEMENT HIGGINS, M.A., F.C.S.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"Mr. Higgins's work will be useful as a work of reference. Upwards of 700 cases are digested : and, besides a table of contents, there is a full index to the subject-matter ; and that index, which greatly enhances the value of the book, must have cost the author much time, labour and thought."—*Law Journal*.
"This is essentially," says Mr. Higgins in his preface, "a book of reference." It remains to be added whether the compilation is reliable and exhaustive. It is only fair to say that we think it is ; and we will add, that the arrangement of subject-matter (chronological under each heading, the date, and double or even treble references being appended to every decision) and the neat and carefully-executed index (which is decidedly above the average), are such as no reader of 'essentially a book of reference' could quarrel with."—*Solicitors' Journal*.

"On the whole Mr. Higgins's work has been well accomplished. It has ably fulfilled its object by supplying a reliable and authentic summary of the reported patent-law cases decided in English courts of law and equity, while presenting a complete history of legal doctrine on the points of law and practice relating to its subject."—*Irish Law Times*.

"Mr. Higgins has, with wonderful and accurate research, produced a work which is much needed, since we have no collection of patent cases which does not terminate years ago. We consider, too, if an inventor furnishes himself with this Digest and a little treatise on the law of patents, he will be able to be as much his own patent lawyer as it is safe to be."—*Scientific and Literary Review*.

"Mr. Higgins's object has been to supply a reliable and exhaustive summary of the reported patent cases decided in English courts of law and equity, and this object he appears to have attained. The classification is excellent, being as Mr. Higgins very truly remarks, that which naturally suggests itself from the practical working of patent law rights. The lucid style in which Mr. Higgins has written his Digest will not fail to recommend it to all who may consult his book ; and the very copious index, together with the table of cases, will render the work especially valuable to professional men."—*Mining Journal*.

"The appearance of Mr. Higgins's Digest is exceedingly opportune. The plan of the work is definite and simple. We consider that Mr. Higgins, in the production of this work, has met a long-felt demand. Not merely the legal profession and patent agents, but patentees, actual or intending inventors, manufacturers, and their scientific advisers will find the Digest an invaluable book of reference."—*Chemical News*.

"The arrangement and condensation of the main principles and facts of the cases here digested render the work invaluable in the way of reference."—*Standard*.

"The work constitutes a step in the right direction, and it is likely to prove of much service as a guide, a by no means immaterial point in its favour being that it includes a number of comparatively recent cases."—*Engineer*.

"From these decisions the state of the law upon any point connected with patents may be deduced. In fine, we must pronounce the book as invaluable to all whom it may concern."—*Quarterly Journal of Science*.

In 8vo, price 6s., sewed,

A DIGEST OF THE REPORTED CASES

RELATING TO THE

LAW AND PRACTICE OF LETTERS PATENT FOR INVENTIONS

DECIDED BETWEEN JUNE, 1875, AND MARCH, 1880 :

TOGETHER WITH SOME UNREPORTED CASES

FORMING

AN APPENDIX TO DIGEST OF PATENT CASES.

By CLEMENT HIGGINS,

BARRISTER-AT-LAW.

In 8vo, price 25s., cloth,

THE LAW OF COMPENSATION FOR LANDS, HOUSES, &c.

UNDER THE LANDS CLAUSES, RAILWAY CLAUSES CONSOLIDATION AND
METROPOLITAN ACTS,
THE ARTIZANS AND LABOURERS' DWELLINGS IMPROVEMENT ACT 1875.
WITH A FULL COLLECTION OF FORMS AND PRECEDENTS.

FIFTH EDITION, ENLARGED, WITH ADDITIONAL FORMS, INCLUDING
PRECEDENTS OF BILLS OF COSTS.

By EYRE LLOYD,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"A fourth edition of Mr. Lloyd's valuable treatise has just been published. Few branches of the law affect so many and such important interests as that which gives to private individuals compensation for property compulsorily taken for the purpose of public improvements. The questions which arise under the different Acts of Parliament now in force are very numerous and difficult, and a collection of decided cases epitomised and well arranged, as they are in Mr. Lloyd's work, cannot fail to be a welcome addition to the library of all who are interested in landed property, whether as owners, land agents, public officers or solicitors."—MIDLAND COUNTIES HERALD.

"It is with much gratification that we have to express our unhesitating opinion that Mr. Lloyd's treatise will prove thoroughly satisfactory to the profession, and to the public at large. Thoroughly

satisfactory it appears to us in every point of view—comprehensive in its scope, exhaustive in its treatment, sound in its exposition."—*Irish Law Times*.

"In providing the legal profession with a book which contains the decisions of the Courts of Law and Equity upon the various statutes relating to the Law of Compensation, Mr. Eyre Lloyd has long since left all competitors in the distance, and his book may now be considered the standard work upon the subject. The plan of Mr. Lloyd's book is generally known, and its lucidity is appreciated; the present quite fulfils all the promises of the preceding editions, and contains in addition to other matter a complete set of forms under the Artizans and Labourers Act, 1875, and specimens of Bills of Costs, which will be found a novel feature, extremely useful to legal practitioners."—JUSTICE OF THE PEACE.

"The work is one of great value. It deals with a complicated and difficult branch of the law, and it deals with it exhaustively. It is not merely a compilation or collection of the statutes bearing on the subject, with occasional notes and references. Rather it may be described as a comprehensive treatise on, and digest of, the law relating to the compulsory acquisition and purchase of land by public companies and municipal and other local authorities, and the different modes of assessment

of the compensation. All the statutes bearing on the subject have been collated, all the law on the subject collected, and the decisions conveniently arranged. With this comprehensiveness of scope is united a clear statement of principles, and practical handling of the points which are likely to be contested, and especially of those in which the decisions are opposed or differently understood."—*Local Government Chronicle*.

In 8vo, price 7s., cloth,

THE SUCCESSION LAWS OF CHRISTIAN COUNTRIES,

WITH SPECIAL REFERENCE TO

THE LAW OF PRIMOGENITURE AS IT EXISTS IN ENGLAND.

By EYRE LLOYD, B.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; AUTHOR OF "THE LAW OF COMPENSATION UNDER THE LANDS CLAUSES CONSOLIDATION ACTS," ETC.

"Mr. Lloyd has given us a very useful and compendious little digest of the laws of succession which exist at the present day in the principal States of both Europe and America; and we should say it is a book which not only every lawyer, but every politician and statesman, would do well to add to his library."—*Pall Mall Gazette*.

"Mr. Eyre Lloyd compresses into little more than eighty pages a considerable amount of matter both valuable and interesting; and his quotations from Diplomatic Reports by the present Lord Lytton, and other distinguished public servants, throw a picturesque light on a narrative much of which is necessarily dry reading. We can confidently recommend Mr. Eyre Lloyd's new work as one of great practical utility, if, indeed, it be not unique in our language, as a book of reference on Foreign Succession Laws."—*Law Magazine and Review*.

"Mr. Eyre Lloyd has composed a useful and interesting abstract of the laws on the subject of succession to property in Christian countries, with special reference to the law of primogeniture in England."—*Saturday Review*.

"This is a very useful little handy book on foreign succession laws. It contains in an epitomised form information which would have to be sought through a great number of scattered authorities and foreign law treatises, and will be found of great value to the lawyer, the writer, and the political student."—*Standard*.

In one volume, royal 8vo, price 30s., cloth,

CASES AND OPINIONS ON CONSTITUTIONAL LAW, AND VARIOUS POINTS OF ENGLISH JURISPRUDENCE.

Collected and Digested from Official Documents and other Sources; with Notes. By WILLIAM FORSYTH, M.A., M.P., Q.C., Standing Counsel to the Secretary of State in Council of India, Author of "Hortensius," "History of Trial by Jury," "Life of Cicero," etc., late Fellow of Trinity College, Cambridge.

From the CONTEMPORARY REVIEW.

"We cannot but regard with interest a book which, within moderate compass, presents us with the opinions or *responsa* of such lawyers and statesmen as Somers, Holt, Hardwicke, Mansfield, and, to come down to our own day, Lyndhurst, Abinger, Denman, Cranworth, Campbell, St. Leonards, Westbury, Chelmsford, Cockburn, Cairns, and the present Lord Chancellor Hatherley. At the end of each chapter of the 'Cases and opinions,' Mr. Forsyth has added notes of his own, containing a most excellent summary of all the law bearing on that branch of his subject to which the 'Opinions' refer."

From the LAW MAGAZINE and LAW REVIEW.

"Mr. Forsyth has largely and beneficially added to our legal stores. His work may be regarded as in some sense a continuation of 'Chalmers's Opinions of Eminent Lawyers.' . . . The constitutional

relations between England and her colonies are becoming every day of more importance. The work of Mr. Forsyth will do more to make these relations perfectly clear than any which has yet appeared. Henceforth it will be the standard work of reference in a variety of questions which are constantly presenting themselves for solution both here and in our colonies."

From the LAW TIMES.

"This one volume of 560 pages or thereabouts is a perfect storehouse of law not readily to be found elsewhere, and the more useful because it is not abstract law but the application of principles to particular cases. Mr. Forsyth's plan is that of classification. He collects in separate chapters a variety of opinions bearing upon separate branches of the law . . . This is a book to be read, and therefore we recommend it not to all lawyers only, but to every law student. The editor's own notes are not the least valuable portion of the volume."

In one thick volume, 8vo, price 32s., cloth,

THE LAW OF RAILWAY COMPANIES.

Comprising the Companies Clauses, the Lands Clauses, the Railways Clauses Consolidation Acts, the Railway Companies Act, 1867, and the Regulation of Railways Act, 1868; with Notes of Cases on all the Sections, brought down to the end of the year 1868; together with an Appendix giving all the other material Acts relating to Railways, and the Standing Orders of the Houses of Lords and Commons; and a copious Index. By HENRY GODEFROI, of Lincoln's Inn, and JOHN SHORTT, of the Middle Temple, Barristers-at-Law.

"The title of this book is the best possible explanation of its contents. Here we have all the statutes affecting Railway Companies, with the standing orders of Parliament, in a volume exquisitely printed, and of most convenient size and

form. . . . We believe that we have said enough to show that this book will prove to be of pre-eminent value to practitioners, both before Parliamentary committees and in the Courts of Law and Equity."—*Law Journal*.

In 8vo, price 2s. 6d.,

MORIARTY ON PERSONATION AND DISPUTED IDENTITY AND THEIR TESTS.

In a handy volume, crown 8vo, 1870, price 10s. 6d., cloth,

THE LAW OF SALVAGE,

As administered in the High Court of Admiralty and the County Courts; with the Principal Authorities, English and American, brought down to the present time; and an Appendix, containing Statutes, Forms, Table of Fees, etc. By EDWYN JONES, of Gray's Inn, Barrister-at-Law.

"This book will be of infinite service to lawyers practising in the maritime law courts and to those engaged in shipping. In short, Mr. Jones's book

is a complete guide, and is full of information upon all phases of the subject, tersely and clearly written."—*Liverpool Journal of Commerce*.

In 8vo, 1867, price 1s., sewed,

LLOYD'S BONDS: THEIR NATURE AND USES.

By HENRY JEFFERD TARRANT, of the Middle Temple, Barrister-at-Law.

In 8vo, 1879, price 10s., cloth,

THE PRINCIPLES OF BANKRUPTCY.

WITH AN APPENDIX,

CONTAINING

THE GENERAL RULES OF 1870, 1871, 1873, & 1878, SCALE OF COSTS, AND THE BILLS OF SALE ACT, 1878.

By RICHARD RINGWOOD, B.A.,

OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW; LATE SCHOLAR OF TRINITY COLLEGE, DUBLIN.

"The author of this convenient handbook sees the point upon which we insist elsewhere in regard to the chief aim of any system of Bankruptcy Law which should deserve the title of National. . . . There can be no question that a sound measure of Reform is greatly needed, and would be welcomed by all parties in the United Kingdom. Pending this amendment it is necessary to know the Law as it is, and those who have to deal with the subject in any of its practical legal aspects will do well to consult Mr. Ringwood's unpretending but useful volume."—*Law Magazine*.

"Mr. Ringwood tells us in his preface that his work is chiefly intended for students, and it will no doubt be useful to them. On the other hand, the 'principles of bankruptcy' are not dealt with by Mr. Ringwood in the way we expected from the title of his book, which is, in fact, the Bankruptcy Act of 1869 itself arranged—no doubt at considerable labour—in about the most convenient form in which it can be presented to the student. The Table of Cases is carefully prepared, reference being made in each case to all the contemporary law reports. Mr. Ringwood has fairly and concisely stated the new and the old law as to bills of sale, and as to the rights of trustees in bankruptcy in connection therewith."—*Law Times*.

"The above work is written by a distinguished scholar of Trinity College, Dublin. Mr. Ringwood has chosen a most difficult and unattractive subject, but he has shown sound judgment and skill in the manner in which he has executed his task. His book does not profess to be an exhaustive treatise on bankruptcy law, yet in a neat and compact volume we have a vast amount of well-digested matter. The reader is not distracted and puzzled by having a long list of cases flung at him at the end of each page, as the general effect of the law is stated in a few well-selected sentences, and a reference given to the leading decisions only on the subject. . . . An excellent index, and a table of cases, where references to four sets of contemporary reports may be seen at a glance, show the industry and care with which the work has been done."—*Daily Paper*.

Second Edition, in royal 12mo, price 16s., cloth,

A CONCISE TREATISE

UPON

THE LAW OF BANKRUPTCY.

WITH AN APPENDIX,

CONTAINING

The Bankruptcy Act, 1869; General Rules of 1870, 1871, 1873, & 1878;

Forms of 1870 and 1871; Scale of Costs; the Debtors Act, 1869; Debtors Act, 1878; and Bills of Sale Act, 1878.

By EDWARD T. BALDWIN, M.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"This edition is a praiseworthy effort to reduce the Law of Bankruptcy within moderate limits. It refers to all the important cases on the Act of 1869, and concludes with an excellent Index."—*Law Times*.

"Mr. Baldwin cannot expect, nor indeed does he appear to have attempted, to supersede the exhaustive treatises of Williams and Robson, but he has succeeded in compiling a really useful compendium of an exceedingly dry but widely important department of the Law, which will be found a convenient manual for the merchant as well as the lawyer. . . . Opposite each section of the Act of 1869 is a marginal reference to the page of the treatise in which the subject-matter is discussed, and facility of reference is further aided by an Index covering fifty pages of the book."—*Law Magazine and Review*.

"We are very favourably impressed with this work, which has been growing in popularity since its publication, and it is one which must be most useful both to the student and the practitioner. As to the student, he has only to look to the last Examination on the subject of Bankruptcy to see how usefully Mr. Baldwin's work came in."—*Law Student's Journal*.

THE LAW OF CORPORATIONS.

In one volume of One Thousand Pages, royal 8vo, price 42s., cloth,

A TREATISE ON THE DOCTRINE OF

ULTRA VIRES:

BEING

An Investigation of the Principles which Limit the Capacities, Powers, and Liabilities of
CORPORATIONS,

AND MORE ESPECIALLY OF

JOINT STOCK COMPANIES.

SECOND EDITION.

BY SEWARD BRICE, M.A., LL.D. LONDON,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

REVIEWS.

"Despite its unpromising and cabalistic title, and the technical nature of its subject, it has so recommended itself to the profession that a second edition is called for within three years from the first publication; and to this call Mr. Brice has responded with the present volume, the development of which in excess of its predecessor is remarkable even in the annals of law books. Sixteen hundred new cases have been introduced, and, instead of five hundred pages octavo, the treatise occupies a thousand very much larger pages. This increase in bulk is partly due to the incorporation with the English law on the subject of the more important American and Colonial doctrines and decisions—a course which we think Mr. Brice wise in adopting, since the judgments of American tribunals are constantly becoming more frequently quoted and more respectfully considered in our own courts, particularly on those novel and abstruse points of law for which it is difficult to find direct authority in English reports. In the present speculative times, anything relating to Joint-Stock Companies is of public importance, and the points on which the constitution and operation of these bodies are affected by the doctrine of *Ultra Vires* are just those which are most material to the interests of the shareholders and of the community at large. . . . Some of the much disputed questions in regard to corporations, on which legal opinion is still divided, are particularly well treated. Thus with reference to the authority claimed by the Courts to restrain corporations or individuals from applying to Parliament for fresh powers in breach of their express agreements or in derogation of private rights, Mr. Brice most elaborately and ably reviews the conflicting decisions on this apparent interference with the rights of the subject, which threatened at one time to bring the Legislature and the Courts into a collision similar to that which followed on the well-known case of *Ashby v. White*. . . . Another very difficult point on which Mr. Brice's book affords full and valuable information is as to the liability of Companies on contracts entered into before their formation by the promoters, and subsequently ratified or adopted by the Company, and as to the claims of promoters themselves for services rendered to the incipient Company. . . . The chapter on the liabilities of corporations ex delicto for fraud and other torts committed by their agents within the region of their authority seems to us remarkably well done, reviewing as it does all the latest and somewhat contradictory decisions on the point. . . . On the whole we consider Mr. Brice's exhaustive work a valuable addition to the literature of the profession."—SATURDAY REVIEW.

"The doctrine which forms the subject of Mr. Seward Brice's elaborate and exhaustive work is a remarkable instance of rapid growth in modern Jurisprudence. His book, indeed, now almost constitutes a Digest of the Law of Great Britain and her Colonies and of the United States on the Law of Corporations—a subject vast enough at home, but even more so beyond the Atlantic, where Corporations are so numerous and powerful. Mr. Seward Brice relates that he has embodied a reference in the present edition to about 1600 new cases, and expresses the hope that he has at least referred to 'the chief cases.' We should think there can be few, even of the Foreign Judgments and Dicta, which have not found their way into his pages. The question what is and what is not *Ultra Vires* is one of very great importance in commercial countries like Great Britain and the United States. Mr. Seward Brice has done a great service to the cause of Comparative Jurisprudence by his new recension of what was from the first a unique text-

book on the Law of Corporations. He has gone far towards effecting a Digest of that Law in its relation to the Doctrine of *Ultra Vires*, and the second edition of his most careful and comprehensive work may be commended with equal confidence to the English, the American, and the Colonial Practitioner, as well as to the scientific Jurist."—*Law Magazine and Review*.

"It is the Law of Corporations that Mr. Brice treats of (and treats of more fully, and at the same time more scientifically, than any work with which we are acquainted), not the law of principal and agent; and Mr. Brice does not do his book justice by giving it so vague a title."—*Law Journal*.

"A guide of very great value. Much information on a difficult and unattractive subject has been collected and arranged in a manner which will be of great assistance to the seeker after the law on a point involving the powers of a company."—*Law Journal*. (Review of First Edition.)

"On this doctrine, first introduced in the Common Law Courts in *East Anglian Railway Co. v. Eastern Counties Railway Co.*, BRICE ON *ULTRA VIRES* may be read with advantage."—*Judgment of LORD JUSTICE BRAMWELL, in the Case of Evershed v. L. & N. W. Ry. Co.* (1. R., 3 Q. B. Div. 141.

In preparation, Fourth Edition, in Royal 8vo, price s. cloth,

THE LAW AND PRACTICE UNDER THE COMPANIES ACTS,

1862, 1867, 1870, and 1877;

AND

THE LIFE ASSURANCE COMPANIES ACTS,

1870 TO 1872.

Containing the Statutes, with the Rules, Orders, and Forms, regulating Proceedings in the Chancery Division of the High Court of Justice, and full Notes of the Decisions, &c., &c. By H. BURTON BUCKLEY, M.A., of Lincoln's Inn, Barrister-at-Law, and Fellow of Christ's College, Cambridge.

* * *This work forms a complete Treatise on the Law relating to Joint Stock Companies.*

"The mere arrangement of the leading cases under the successive sections of the Acts, and the short explanation of their effect, are of great use in saving much valuable time, which would be otherwise spent in searching the different digests; but the careful manner in which Mr. Buckley has annotated the Acts, and placed the cases referred to under distinct headings, renders his work particularly useful to all who are required to advise in the complications in which the shareholders and creditors of companies frequently find themselves involved. The Index, always an important part of a law book, is full and well arranged."—*Scottish Journal of Jurisprudence.*

In two volumes, royal 8vo, 70s. cloth,

THE LAW RELATING TO

SHIPMASTERS AND SEAMEN.

*THEIR APPOINTMENT, DUTIES, POWERS, RIGHTS, LIABILITIES
AND REMEDIES.*

By JOSEPH KAY, Esq., M.A., Q.C.,

OF TRIN. COLL. CAMBRIDGE, AND OF THE NORTHERN CIRCUIT;

SOLICITOR-GENERAL OF THE COUNTY PALATINE OF DURHAM; ONE OF THE JUDGES OF THE COURT OF RECORD FOR THE HUNDRED OF SALFORD;

AND AUTHOR OF "THE SOCIAL CONDITION AND EDUCATION OF THE PEOPLE
IN ENGLAND AND EUROPE."

REVIEWS OF THE WORK.

From the NAUTICAL MAGAZINE, July, 1875.

"It is rarely that we find a book fulfilling the requirements of both classes; full and precise enough for the lawyer, and at the same time intelligible to the non-legal understanding. Yet the two volumes by Mr. Kay on the law relating to shipmasters and seamen will, we venture to say, be of equal service to the captain, the lawyer, and the Consul, in their respective capacities, and even of interest to the public generally, written as it is in a clear and interesting style, and treating of a subject of such vast importance as the rights and liabilities and relative duties of all passengers included, who venture upon the ocean; more than that, we think that any able-seaman might read that chapter on the crew with the certainty of acquiring a clearer notion of his own position on board ship.

"We can make no charge of redundancy or omission against our author: but if we were called upon to select any one out of the fifteen parts into which the two volumes are divided as being especially valuable, we should not hesitate to choose that numbered three, and entitled 'The Voyage.'

There the master will find a succinct and compendious statement of the law respecting his duties general and particular, with regard to the ship and its freight from the moment when, on taking command, he is bound to look to the seaworthiness of the ship, and to the delivery of her log at the final port of destination. In Part IV. his duties are considered with respect to the cargo, this being a distinct side of his duplicate character, inasmuch as he is agent of the owner of the cargo just as much as the owner of the ship.

"Next in order of position come 'Bills of Lading' and 'Stoppage in Transitu.' We confess that on first perusal we were somewhat surprised to find the subject of the delivery of goods by the master given priority over that of bills of lading; the logical sequence, however, of these matters was evidently sacrificed, and we think with advantage to the author's desire for unity in his above-mentioned chapters on 'The Voyage.' That this is so is evidenced by the fact that after his seventh chapter with the heading of the former and a reference

In 8vo, 1878, price 6s., cloth,

THE

LAW RELATING TO CHARITIES,ESPECIALLY WITH REFERENCE TO THE VALIDITY AND CONSTRUCTION OF
CHARITABLE BEQUESTS AND CONVEYANCES.By **FERDINAND M. WHITEFORD**, of Lincoln's Inn, Barrister-at-Law.

"The Law relating to Charities by F. M. Whiteford contains a brief but clear exposition of the law relating to a class of bequests in which the intentions of donors are often frustrated by unacquaintance with the statutory provisions on the subject. Decisions in reported cases occupy a

large portion of the text, together with the explanations pertinent to them. The general tenor of Mr. Whiteford's work is that of a digest of Cases rather than a treatise, a feature, however, which will not diminish its usefulness for purposes of reference."—*Law Magazine and Review*.

In 8vo, 1872, price 7s. 6d., cloth,

AN EPITOME AND ANALYSIS OF

SAVIGNY'S TREATISE ON OBLIGATIONS IN ROMAN LAW.By **ARCHIBALD BROWN**, M.A.

EDIN. AND OXON., AND B.C.L. OXON., OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"Mr. Archibald Brown deserves the thanks of all interested in the science of Law, whether as a study or a practice, for his edition of Herr von Savigny's great work on 'Obligations.' Mr. Brown has undertaken a double task—the translation of his author, and the analysis of his author's matter. That he has succeeded in reducing the bulk of the original will be seen at a glance; the French translation consisting of two volumes, with some five hundred pages apiece, as compared with Mr. Brown's thin volume of a hundred and

fifty pages. At the same time the pith of Von Savigny's matter seems to be very successfully preserved, nothing which might be useful to the English reader being apparently omitted.

"The new edition of Savigny will, we hope, be extensively read and referred to by English lawyers. If it is not, it will not be the fault of the translator and epitomiser. Far less will it be the fault of Savigny himself, whose clear definitions and accurate tests are of great use to the legal practitioner."—*Law Journal*.

THE ELEMENTS OF ROMAN LAW.

In 216 pages 8vo, 1875, price 10s., cloth.

A CONCISE DIGEST OF THE

INSTITUTES OF GAIUS AND JUSTINIAN.

With copious References arranged in Parallel Columns, also Chronological and Analytical Tables, Lists of Laws, &c. &c.

Primarily designed for the Use of Students preparing for Examination at Oxford, Cambridge, and the Inns of Court.

By **SEYMOUR F. HARRIS**, B.C.L., M.A.,OF WORCESTER COLLEGE, OXFORD, AND THE INNER TEMPLE, BARRISTER-AT-LAW,
AUTHOR OF "UNIVERSITIES AND LEGAL EDUCATION."

"Mr. Harris's digest ought to have very great success among law students both in the Inns of Court and the Universities. His book gives evidence of praiseworthy accuracy and laborious condensation."—*LAW JOURNAL*.

"This book contains a summary in English of the elements of Roman Law as contained in the works of Gaius and Justinian, and is so arranged that the reader can at once see what are the opinions of either of these two writers on each point. From the very exact and accurate references to titles and sections given he can at once refer to the original writers. The concise manner in which Mr. Harris has arranged his digest will render it most useful, not only to the students for whom it was originally written, but also to those persons who, though they have not the time to wade through the larger treatises of Potho, Sanders, Ortolan, and others, yet desire to obtain some knowledge of Roman Law."—*OXFORD AND CAMBRIDGE UNDERGRADUATES' JOURNAL*.

"Mr. Harris deserves the credit of having produced an epitome which will be of service to those numerous students who have no time or sufficient ability to analyse the Institutes for themselves."—*LAW TIMES*.

For the Preliminary Examinations before Entering into Articles of Clerkship to Solicitors under the Solicitors Act, 1877.

In a handsome 4to volume, with Map of the World, price 10s., cloth,

THE STUDENTS' REMINDER & PUPILS' HELP IN PREPARING FOR A PUBLIC EXAMINATION.

By THOMAS MARSH,

PRIVATE TUTOR, AUTHOR OF AN "ENGLISH GRAMMAR," &c.

"In these days of competitive examination and well-nigh universal education, students will find a useful auxiliary in the 'Student's Reminder and Pupil's Help,' by Thomas Marsh, which gives in a concise form some fruitful information, that, just because it is elementary, is apt to be momentarily forgotten."—*The Graphic*.

"We welcome this compendium with great pleasure as being exactly what is wanted in this age of competitive examinations. It is evidently the work of a master hand, and could only be compiled by one thoroughly experienced in the work of teaching. Mr. Marsh has summarised and analysed the subjects required for the preliminary examinations of law students, as well as for the University and Civil Service examinations. He has paid special attention to mathematics, but the compendium also includes ancient and modern languages, geography, dictation, &c. It was a happy idea to make it quarto size, and the type and printing are clear and legible."—*Irish Law Times*.

"This remarkable volume might almost be described as containing a little of everything, and any student who masters its contents may fairly regard himself as standing well for such ordinary examinations as he may be called upon to pass. Mr. Marsh has evidently had great experience in preparing pupils for such tests, and he has in this work brought together a mass of leading points on a variety of subjects for their assistance."—*City Press*.

Now ready, Second Edition, in 8vo, price 21s., cloth,

ENGLISH CONSTITUTIONAL HISTORY.

FROM THE TEUTONIC INVASION TO THE PRESENT TIME.

Designed as a Text-book for Students and others.

By T. P. TASWELL-LANGMEAD, B.C.L.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, LATE TUTOR ON CONSTITUTIONAL LAW AND LÉGAL HISTORY TO THE FOUR INNS OF COURT, AND FORMERLY VINERIAN SCHOLAR IN THE UNIVERSITY OF OXFORD.

Second and Enlarged Edition, revised throughout, and in many parts rewritten.

"The work before us it would be hardly possible to praise too highly. In style, arrangement, clearness, and size, it would be difficult to find anything better on the real history of England, the history of its constitutional growth as a complete story, than this volume."—*Boston (U.S.) Literary World*.

"As it now stands, we should find it hard to name a better text-book on English Constitutional History."—*Solicitors' Journal*.

"That the greatest care and labour have been bestowed upon it is apparent in every page, and we doubt not that it will become a standard work not likely soon to die out."—*Oxford and Cambridge Under-graduates' Journal*.

"As a text-book for the lecturer it is most valuable. It does not always observe a strict chronological sequence, but brings together all that has to be said on a given subject at the point when that subject happens to possess a special importance."—*Contemporary Review*.

"Mr. Taswell-Langmead's compendium of the rise and development of the English Constitution has evidently supplied a want. . . . The present Edition is greatly improved. . . . We have no hesitation in saying that it is a thoroughly good and useful work."—*Spectator*.

"We think Mr. Taswell-Langmead may be congratulated upon having compiled an elementary work of conspicuous merit."—*Fall Mall Gazette*.

"For students of history we do not know any work which we could more thoroughly recommend."—*Law Times*.

"It is a safe, careful, praiseworthy digest and manual of all constitutional history and law."—*Globe*.

"The volume on English Constitutional History, by Mr. Taswell-Langmead, is exactly what such a history should be."—*Standard*.

"As a text-book for students, we regard it as an exceptionally able and complete work."—*Law Journal*.

"Mr. Taswell-Langmead has thoroughly grasped the bearings of his subject. It is, however, in dealing with that chief subject of constitutional history—parliamentary government—that the work exhibits its great superiority over its rivals."—*Academy*.

Fifth Edition, in 8vo, 1880, price 25s., cloth,

THE PRINCIPLES OF EQUITY.

INTENDED FOR THE USE OF STUDENTS AND THE PROFESSION.

By EDMUND H. T. SNELL,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

FIFTH EDITION.

TO WHICH IS ADDED

AN EPITOME OF THE EQUITY PRACTICE.

SECOND EDITION.

By ARCHIBALD BROWN, M.A., EDIN. & OXON., & B.C.L. OXON.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW; AUTHOR OF "A NEW LAW DICTIONARY,"
"AN ANALYSIS OF SAVIGNY ON OBLIGATIONS," AND THE "LAW OF FIXTURES."

REVIEWS.

"Rarely has a text-book attained more complete and rapid success than Snell's 'Principles of Equity,' of which a fifth edition has just been issued."—*Law Times*.

"Seldom does it happen that a work secures so great a reputation as this book, and to Mr. Brown is due the credit of keeping it up with the times. . . . It is certainly the most comprehensive as well as the best work on Equity Jurisprudence in existence."—*Oxford and Cambridge Undergraduate's Journal*.

"The changes introduced by the Judicature Acts have been well and fully explained by the present edition of Mr. Snell's treatise, and everything necessary in the way of revision has been conscientiously accomplished. We perceive the fruitful impress of the 'amending hand' in every page; the results of the decisions under the new system have been carefully explained, and engrafted into the original text; and in a word, Snell's work, as edited by Mr. Brown, has proved the fallacy of Bentham's description of Equity as 'that capricious and inconsistent mistress of our fortunes, whose features no one is able to delineate.' He has added a book, comprising 127 pages, on the present 'Practice in Equity,' as to which he observes that it 'will be probably found by students very serviceable, and by practitioners very handy and convenient, seeing that it embodies the whole procedure (even in its minutest details), and at the same time collects it all together under efficient practical headings, with their sub-divisions, so much so that everything may be found in the 'Practice' without either difficulty of search or diversity of reference.' This, on the whole, accurately describes the general character and quality of that portion of the work; but at the same time, we must say that it cannot well claim to be much more than a *skillful précis of the procedure as formulated and prescribed by the Acts and Rules themselves*, with a few exceptions, but without anything like an expanded treatment such as might render that portion of the work equal to the portion dealing with the principles of equity. Suggested, however, by the necessities experienced by its writer in his own practice, it will doubtless prove useful to others in an equal degree: and it certainly forms a valuable and much-needed supplement to Mr. Snell's work."—*Irish Law Times*.

"We know of no better introduction to the Principles of Equity."—

CANADA LAW JOURNAL.

"Within the ten years which have elapsed since the appearance of the first edition of this work, its reputation has steadily increased, and it has long since been recognised by students, tutors and practitioners, as the best elementary treatise on the important and difficult branch of the law which forms its subject. In editing the fourth edition, Mr. Brown, while 'working up the language and contents of the book to the level of the new procedure introduced by the Judicature Acts,' noting changes of the law, and correcting the minor errors, has wisely abstained from interference with the general character of the work, which equally with its lucidity and trustworthiness has shared in gaining the approval of the profession. But he has added a new feature in an Epitome of the Practice in Equity which forms a valuable complement to the 'Principles,' equally useful to the young practitioner and to the student, by whom Principles and Practice should be concurrently studied. We think Mr. Brown is to be congratulated on having produced a really useful Epitome, which while not attempting to supersede the larger Practices, will be found a safe guide to the Practitioner in all ordinary proceedings."—*Law Magazine and Review*.

In one volume, 8vo, 1874, price 18s., cloth,

PRINCIPLES OF CONVEYANCING.

AN ELEMENTARY WORK FOR THE USE OF STUDENTS.

By HENRY C. DEANE,

OF LINCOLN'S INN, BARRISTER-AT-LAW, SOMETIME LECTURER TO THE INCORPORATED LAW SOCIETY OF THE UNITED KINGDOM.

"Mr. Deane is one of the Lecturers of the Incorporated Law Society, and in his elementary work intended for the use of students, he embodies some lectures given at the hall of that society. It would weary our readers to take them over the ground necessarily covered by Mr. Deane. The first part is devoted to Corporeal Hereditaments, and the second to Conveyancing. The latter is prefaced by a very interesting 'History of Conveyancing,' and for practical purposes the chapter (Ch. 2, Part II.) on Conditions of Sale is decidedly valuable."—*Law Times*.

"We hope to see this book, like *Snell's Equity*, a standard class-book in all Law Schools where English law is taught."—CANADA LAW JOURNAL.

"It seems essentially the book for young conveyancers, and will, probably, in many cases supplant Williams. It is, in fact, a modern adaptation of Mr. Watkin's book on conveyancing, and is fully equal to its prototype."—*Irish Law Times*.

"Extremely useful to students, and especially to those gentlemen who are candidates for the various legal examinations. There are so many questions

set now on case law that they would do well to peruse this treatise of Mr. Deane's, and use it in conjunction with a book of questions and answers. They will find a considerable amount of equity case law, especially in the second part of Mr. Deane's book, which comprises in substance some lectures delivered by the author at the Law Institution."—*Law Journal*.

Second Edition, in 8vo, price 10s. 6d., cloth,

A SUMMARY OF THE

LAW & PRACTICE IN ADMIRALTY.

FOR THE USE OF STUDENTS.

By EUSTACE SMITH,

OF THE INNER TEMPLE; AUTHOR OF "A SUMMARY OF COMPANY LAW."

"It is however, in our opinion, a well and carefully written little work, and should be in the hands of every student who is taking up Admiralty Law at the Final."—*Law Students' Journal*.

"The divisions of his book are sensible, his language is concise, and he has succeeded without over-weighting any part of it, to give the student a very just appreciation of the origin of the Courts of Admiralty, the claims that can be enforced in them, and the mode of practice as it at present exists. Altogether Mr. Eustace Smith has turned out a book in a small compass which is to be commended."—*Articled Clerks' Journal*.

"Mr. Smith has a happy knack of compressing a large amount of useful matter in a small compass, the present work will doubtless be received with satisfaction equal to that with which his previous 'Summary' has been met."—*Oxford and Cambridge Undergraduates' Journal*.

In preparation, Second Edition, in 8vo, price s., cloth,

A SUMMARY OF THE

LAW AND PRACTICE IN THE ECCLESIASTICAL COURTS.

FOR THE USE OF STUDENTS.

By EUSTACE SMITH,

OF THE INNER TEMPLE; AUTHOR OF "A SUMMARY OF COMPANY LAW," AND "A SUMMARY OF THE LAW AND PRACTICE IN ADMIRALTY."

"His object has been, as he tells us in his preface, to give the student and general reader a fair outline of the scope and extent of ecclesiastical law, of the principles on which it is founded, of the Courts by which it is enforced, and the procedure by which these Courts are regulated. We think the book well fulfils its object. Its value is much enhanced by a profuse citation of authorities for the propositions contained in it."—*Bar Examination Journal*.

In 8vo, price 6s., cloth,

AN EPITOME OF THE LAWS OF PROBATE AND DIVORCE,

FOR THE USE OF STUDENTS FOR HONOURS EXAMINATION.

By J. CARTER HARRISON, SOLICITOR.

Second Edition. In one volume, 8vo, price 20s., cloth,

PRINCIPLES OF THE COMMON LAW.

INTENDED FOR THE USE OF STUDENTS AND THE PROFESSION.

SECOND EDITION.

By JOHN INDERMAUR, SOLICITOR,

AUTHOR OF "A MANUAL OF THE PRACTICE OF THE SUPREME COURT,"
"EPITOMES OF LEADING CASES," AND OTHER WORKS.

"Mr. Indermaur renders even law light reading. He not only possesses the faculty of judicious selection, but of lucid exposition and felicitous illustration. And while his works are all thus characterised, his 'Principles of the Common Law' especially displays those features. That it has already reached a second edition, testifies that our estimate of the work on its first appearance was not unduly favourable, highly as we then signified approval; nor needs it that we should add anything to that estimate in reference to the general scope and execution of the work. It only remains to say, that the present edition evinces that every care has been taken to insure thorough accuracy, while including all the modifications in the law that have taken place since the original publication; and that the references to the Irish decisions which have been now introduced are calculated to render the work of greater utility to practitioners and students, both English and Irish."
—*Irish Law Times*.

"This work, the author tells us in his Preface, is written mainly with a view to the examinations of the Incorporated Law Society; but we think it is likely to attain a wider usefulness. It seems, so far as we can judge from the parts we have examined, to be a careful and clear outline of the principles of the common law. It is very readable; and not only students, but many practitioners and the public might benefit by a perusal of its pages."
—*SOLICITORS' JOURNAL*.

"Mr. Indermaur has very clear notions of what a law student should be taught to enable him to pass the examinations of the Incorporated Law Society. In this, his last work, the law is stated carefully and accurately, and the book will probably prove acceptable to students."
—*Law Times*.

"Mr. Indermaur's book will doubtless be found a useful assistant in the legal pupil room. The statements of the law are, as far as they go, accurate, and have been skilfully reduced to the level of learners. Mr. Indermaur possesses one great merit of an instructor—he is able to bring out the salient points on wide subjects in a telling manner."
—*Law Journal*.

"Mr. Indermaur has acquired a deservedly high reputation as a writer of convenient epitomes and compendiums of various branches of the Law for the use of students. Within the limits which the author has assigned to himself, he has certainly given proof of praiseworthy industry, accuracy, and clearness of exposition, which cannot fail to be of the greatest advantage to the law student. The practising solicitor will also find this a very useful compendium. Care has evidently been taken to note the latest decisions on important points of law. A full and well-constructed index supplies every facility for ready reference."
—*Law Magazine*.

Second Edition, in 8vo, price 10s. 6d., cloth,

A MANUAL OF THE PRACTICE OF THE SUPREME COURT OF JUDICATURE,

In the Queen's Bench and Chancery Divisions. Intended for the use of Students.

By JOHN INDERMAUR, Solicitor.

"This is a very useful student's book. It is clearly written, and gives such information as the student requires, without bewildering him with details. The portion relating to the Chancery Division forms an excellent introduction to the elements of the practice, and may be advantageously used not only by articulated clerks, but also by pupils entering the chambers of equity draftsmen."—*Solicitors' Journal*.

"Intended for the use of students, this book is executed with that accurate knowledge and care which distinguish Mr. Indermaur. It treats carefully of the steps to be taken in the several divisions, and in the appendix is given a table of some of the principal times of proceedings. Not only the student but the practitioner will find this little volume of use."—*Law Times*.

Fifth Edition, in 8vo, price 6s., cloth,

AN EPITOME OF LEADING COMMON LAW CASES; WITH SOME SHORT NOTES THEREON.

Chiefly intended as a Guide to "SMITH'S LEADING CASES." By JOHN INDERMAUR, Solicitor (Clifford's Inn Prizeman, Michaelmas Term, 1872).

"We have received the third edition of the 'Epitome of Leading Common Law Cases,' by Mr. Indermaur, Solicitor. The first edition of this work was published in February, 1873, the second in April, 1874, and now we have a third edition dated September, 1875. No better proof of the value of this book can be furnished than the fact that in less than three years it has reached a third edition."—*Law Journal*.

Fourth Edition, in 8vo, 1881, price 6s., cloth,

AN EPITOME OF LEADING CONVEYANCING AND EQUITY CASES; WITH SOME SHORT NOTES THEREON, FOR THE USE OF STUDENTS.

By JOHN INDERMAUR, Solicitor, Author of "An Epitome of Leading Common Law Cases."

"We have received the second edition of Mr. Indermaur's very useful Epitome of Leading Conveyancing and Equity Cases. The work is very well done."—*Law Times*.

"The Epitome well deserves the continued patronage of the class—Students—for whom it is especially intended. Mr. Indermaur will soon be known as the 'Students' Friend.'"—*Canada Law Journal*.

Third Edition, in 8vo, 1880, price 5s., cloth,

SELF-PREPARATION FOR THE FINAL EXAMINATION. CONTAINING A COMPLETE COURSE OF STUDY, WITH STATUTES, CASES AND QUESTIONS;

And intended for the use of those Articled Clerks who read by themselves.

By JOHN INDERMAUR, Solicitor.

"In this edition Mr. Indermaur extends his counsels to the whole period from the intermediate examination to the final. His advice is practical and sensible: and if the course of study he recommends is intelligently followed, the articulated clerk will have laid in a store of legal knowledge more than sufficient to carry him through the final examination."—*Solicitors' Journal*.

"This book contains recommendations as to how a complete course of study for the above examination should be carried out, with reference to the particular books to be read *seriatim*. We need only remark that it is essential for a student to be set on the right tack in his reading, and that any one of ordinary ability, who follows the course set out by Mr. Indermaur, ought to pass with great credit."—*Law Journal*.

Second Edition, in 8vo, price 6s., cloth,

SELF-PREPARATION FOR THE INTERMEDIATE EXAMINATIONS,

As it at present exists on Stephen's Commentaries. Containing a complete course of Study, with Statutes, Questions, and Advice as to portions of the book which may be omitted, and of portions to which special attention should be given, and intended for the use of all Articled Clerks who have not yet passed the Intermediate Examination. By JOHN INDERMAUR, Author of "Principles of Common Law," and other works.

In 8vo, 1875, price 6s., cloth,

THE STUDENT'S GUIDE TO THE JUDICATURE ACTS, AND THE RULES THEREUNDER:

Being a book of Questions and Answers intended for the use of Law Students.

By JOHN INDERMAUR, Solicitor.

Second Edition. In 8vo, price 26s., cloth,

A NEW LAW DICTIONARY,

AND INSTITUTE OF THE WHOLE LAW ;

EMBRACING FRENCH AND LATIN TERMS AND REFERENCES TO THE
AUTHORITIES, CASES, AND STATUTES.

SECOND EDITION, revised throughout, and considerably enlarged.

By ARCHIBALD BROWN,

M.A. EDIN. AND OXON., AND B.C.L. OXON., OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW; AUTHOR OF
THE "LAW OF FIXTURES," "ANALYSIS OF SAVIGNY'S OBLIGATIONS IN ROMAN LAW," ETC.

Reviews of the Second Edition.

"So far as we have been able to examine the work, it seems to have been most carefully and accurately executed, the present Edition, besides containing much new matter, having been thoroughly revised in consequence of the recent changes in the law ; and we have no doubt whatever that it will be found extremely useful, not only to students and practitioners, but to public men, and men of letters."—IRISH LAW TIMES.

"Mr. Brown has revised his Dictionary, and adapted it to the changes effected by the Judicature Acts, and it now constitutes a very useful work to put into the hands of any student or articulated clerk, and a work which the practitioner will find of value for reference."—SOLICITORS' JOURNAL.

"It will prove a reliable guide to law students, and a handy book of reference for practitioners."—LAW TIMES.

"In a modest preface Mr. Brown introduces us to a rather ambitious work. He has endeavoured to compress into less than four hundred pages the whole law of England, and has evidently bestowed much pains on the execution of the task. He does not, however, aim at anything higher than rendering a service to students preparing for the Bar or for the lower branch of the profession, and there can be no doubt

that he has produced a book of reference which will be useful to the class he has had in view. Mr. Brown has perhaps done about as much as any one, not a rare genius, could do, and his Dictionary will be serviceable to those who are in want of hints and references, and are content with a general idea of a law or legal principle. It is a handy book to have at one's elbow."—*Saturday Review*.

In Royal 8vo., price 5s., cloth,

ANALYTICAL TABLES

OF

THE LAW OF REAL PROPERTY ;

Drawn up chiefly from STEPHENS' BLACKSTONE, with Notes.

By C. J. TARRING, of the Inner Temple, Barrister-at-Law.

CONTENTS.

TABLE I.	Tenures.
" II.	Estates, according to quantity of Tenants' Interest.
" III.	Estates, according to the time at which the Interest is to be enjoyed.
" IV.	Estates, according to the number and connection of the Tenants.

TABLE V.	Uses.
" VI.	Acquisition of Estates in land of freehold tenure.
" VII.	Incorporeal Hereditaments.
" VIII.	Incorporeal Hereditaments.

Second Edition, in 8vo, price 20s., cloth,

PRINCIPLES OF THE CRIMINAL LAW.

INTENDED AS A LUCID EXPOSITION OF THE SUBJECT FOR THE USE
OF STUDENTS AND THE PROFESSION.

By SEYMOUR F. HARRIS, B.C.L., M.A. (OXON.),

AUTHOR OF "A CONCISE DIGEST OF THE INSTITUTES OF GAIUS AND JUSTINIAN."

SECOND EDITION.

REVISED BY THE AUTHOR AND F. P. TOMLINSON, M.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

REVIEWS.

"The favourable opinion we expressed of the first edition of this work appears to have been justified by the reception it has met with. Looking through this new Edition, we see no reason to modify the praise we bestowed on the former Edition. The recent cases have been added and the provisions of the Summary Jurisdiction Act are noticed in the chapter relating to Summary Convictions. The book is one of the best manuals of Criminal Law for the student."—SOLICITORS' JOURNAL.

"There is no lack of Works on Criminal Law, but there was room for such a useful handbook of Principles as Mr. Seymour Harris has supplied. Accustomed, by his previous labours, to the task of analysing the law, Mr. Harris has brought to bear upon his present work qualifications well adapted to secure the successful accomplishment of the object which he had set before him. That object is not an ambitious one, for it does not pretend to soar above utility to the young practitioner and the student. For both these classes, and for the yet wider class who may require a book of reference on the subject, Mr. Harris has produced a clear and convenient Epitome of the Law. A noticeable feature of Mr. Harris's work, which is likely to prove of assistance both to the practitioner and the student, consists of a Table of Offences, with their legal character, their punishment, and the statute under which it is inflicted, together with a reference to the pages where a Statement of the Law will be found."—LAW MAGAZINE AND REVIEW.

"This work purports to contain 'a concise exposition of the nature of crime, the various offences punishable by the English law, the law of criminal procedure, and the law of summary convictions,' with tables of offences, punishments, and statutes. The work is divided into four books. Book I. treats of crime, its divisions and essentials; of persons capable of committing crimes; and of principals and accessories. Book II. deals with offences of a public nature; offences against private persons; and offences against the property of individuals. Each crime is discussed in its turn, with as much brevity as could well be used consistently with a proper explanation of the legal characteristics of the several offences. Book III. explains criminal procedure, including the jurisdiction of Courts, and the various steps in the apprehension and trial of criminals from arrest to punishment. This part of the work is extremely well done, the description of the trial being excellent, and thoroughly calculated to impress the mind of the uninitiated. Book IV. contains a short sketch of 'summary convictions before magistrates out of quarter sessions.' The table of offences at the end of the volume is most useful, and there is a very full index. Altogether we must congratulate Mr. Harris on his adventure."—LAW JOURNAL.

"Mr. Harris has undertaken a work, in our opinion, so much needed that he might diminish its bulk in the next edition by obliterating the apologetic preface. The appearance of his volume is as well timed as its execution is satisfactory. The author has shown an ability of omission which is a good test of skill, and from the overwhelming mass of the criminal law he has discreetly selected just so much only as a learner needs to know, and has presented it in terms which render it capable of being easily taken into the mind. The first half of the volume is devoted to indictable offences, which are defined and explained in succinct terms; the second half treats of the prevention of offences, the courts of criminal jurisdiction, arrest, preliminary proceedings before magistrates, and modes of prosecuting and trial; and a brief epitome of the laws of evidence, proceedings after trial, and summary convictions, with a table of offences, complete the book. The part on procedure will be found particularly useful. Few young counsel, on their first appearance at sessions, have more than a loose and general notion of the manner in which a trial is conducted, and often commit blunders which, although trifling in kind, are nevertheless seriously discouraging and annoying to themselves at the outset of their career. From even such a blunder as that of mistaking the order in which the speeches are made and witnesses examined, they may be saved by the table of instructions given here."—SOLICITORS' JOURNAL.

Now ready, in 8vo, price 2s. 6d., cloth,

A COLLECTION OF LATIN MAXIMS, LITERALLY TRANSLATED.

INTENDED FOR THE USE OF STUDENTS FOR ALL LEGAL EXAMINATIONS.

"The book seems admirably adapted as a book of reference for students who come across a Latin maxim in their reading."—*Law Journal*.

"The collection before us is not pretentious, and disarms criticism by its simplicity and general correctness. Students would do well, early in their studies, to commit these maxims to memory, and subsequent reading will often be systematized and more easily remembered."—*Canada Law Journal*.

In one volume, 8vo, price 9s., cloth,

LEADING STATUTES SUMMARISED, FOR THE USE OF STUDENTS.

By ERNEST C. THOMAS,

BACON SCHOLAR OF THE HON. SOCIETY OF GRAY'S INN, LATE SCHOLAR OF TRINITY COLLEGE, OXFORD;
AUTHOR OF "LEADING CASES IN CONSTITUTIONAL LAW BRIEFLY STATED."

"Will doubtless prove of much use to students, for whom it is intended. . . . Any student who, with this brief summary as a guide, carefully studies the enactments themselves in the Revised Edition of the Statutes, cannot fail to gain a very considerable acquaintance with every branch of English law."—*Law Magazine*.

Second Edition, in 8vo, in preparation.

LEADING CASES IN CONSTITUTIONAL LAW BRIEFLY STATED, WITH INTRODUCTION, EXCURSUSES, AND NOTES.

By ERNEST C. THOMAS,

BACON SCHOLAR OF THE HON. SOCIETY OF GRAY'S INN, LATE SCHOLAR OF TRINITY COLLEGE, OXFORD.

"Mr. E. C. Thomas has put together in a slim octavo a digest of the principal cases illustrating Constitutional Law, that is to say, all questions as to the rights or authority of the Crown or persons under it, as regards not merely the constitution and structure given to the governing body, but also the mode in which the sovereign power is to be exercised. In an introductory essay Mr. Thomas gives a very clear and intelligent survey of the general functions of the Executive, and the principles by which they are regulated; and then follows a summary of leading cases."—*Saturday Review*.

"Mr. Thomas gives a sensible introduction and a brief epitome of the familiar leading cases."—*Law Times*.

In 8vo, price 8s., cloth,

AN EPITOME OF HINDU LAW CASES, WITH SHORT NOTES THEREON.

AND INTRODUCTORY CHAPTERS ON

SOURCES OF LAW, MARRIAGE, ADOPTION, PARTITION, AND
SUCCESSION.

By WILLIAM M. P. COGLAN,

BOMBAY CIVIL SERVICE, JUDGE AND SESSIONS JUDGE OF TANNA.

In royal 8vo, price 30s., half calf,

THE CONSTITUTION OF CANADA.

THE BRITISH NORTH AMERICA ACT, 1867;

ITS INTERPRETATION, GATHERED FROM THE DECISIONS OF COURTS, THE DICTA OF
JUDGES, AND THE OPINIONS OF STATESMEN AND OTHERS;

To which is added the Quebec Resolutions of 1864, and the Constitution
of the United States.

By JOSEPH DOUTRE, Q.C., of the Canadian Bar.

In a handy volume, price 5s. 6d., cloth,

RAILWAY PASSENGERS AND RAILWAY COMPANIES :

THEIR DUTIES, RIGHTS AND LIABILITIES.

With an Appendix containing Addenda et Corrigenda to Nov. 1880.

By LOUIS ARTHUR GOODEVE,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

*** The Appendix can be had separately, price 1s.*

"Mr. Goodeve's little book is a concise epitome of the Acts, Bye-laws, and Cases relating to passengers and their personal luggage. It is clearly written, and the reader is able speedily enough to find any point upon which he desires to inform himself."—*Law Journal*.

"Mr. Goodeve has rendered a service to the public in making a digest of the law relating to railway passengers, including the respective duties, rights, and liabilities of the Companies on the one hand and passengers on the other, as laid down by the statutes and the decisions of the Superior Courts. The various points are treated in a clear yet concise manner; and it is to be hoped that this little work will be widely studied so that people may know what are their rights, and take steps to maintain them."—*Saturday Review*.

"After reading the volume with great interest, we can only say that it is clear, compact, and accurate. Passengers who want reliable information should consult this book."—*Sheffield Post*.

EUROPEAN ARBITRATION.

Part I., price 7s. 6d., sewed,

LORD WESTBURY'S DECISIONS.

REPORTED BY FRANCIS S. REILLY,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

ALBERT ARBITRATION.

Parts I., II., and III., price 25s., sewed,

LORD CAIRNS'S DECISIONS.

REPORTED BY FRANCIS S. REILLY,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

In 8vo, price 21s., cloth,

A TREATISE ON

THE STATUTES OF ELIZABETH AGAINST FRAUDULENT CONVEYANCES.

THE BILLS OF SALE REGISTRATION ACTS AND THE LAW OF VOLUNTARY
DISPOSITIONS OF PROPERTY GENERALLY.

By H. W. MAY, B.A. (Ch. Ch. Oxford),

AND OF LINCOLN'S INN, BARRISTER-AT-LAW.

"This treatise has not been published before it was wanted. The statutes of Elizabeth against fraudulent conveyances have now been in force for more than three hundred years. The decisions under them are legion in number, and not at all times consistent with each other. An attempt to reduce the mass of decisions into something like shape, and the exposition of legal principles involved in the decisions, under any circumstances, must have been a work of great labour, and we are pleased to observe that in the book before us there has been a combination of unusual labour with considerable professional skill. . . . We cannot conclude our notice of this work without saying that it reflects great credit on the publishers as well as the author. The facilities afforded by Messrs. Stevens and Haynes for the publication of treatises by rising men in our profession are deserving of all praise. We feel assured that they do not lightly lend their aid to works presented for publication, and that in consequence publication by such a firm is to some extent a guarantee of the value of the work published."—*Canada Law Journal*.

"Examining Mr. May's book, we find it constructed with an intelligence and precision which render it entirely worthy of being accepted as a guide in this confessedly difficult subject. The subject is an involved one, but with clean and clear handling it is here presented as clearly as it could be. . . . On the whole, he has produced a very useful book of an exceptionally scientific character."—*Solicitors' Journal*.

"The subject and the work are both very good. The former is well chosen, new, and interesting; the latter has the quality which always distinguishes original research from borrowed labours."—*American Law Review*.

"We are happy to welcome his (Mr. May's) work as an addition to the, we regret to say, brief catalogue of law books conscientiously executed. We can corroborate his own description of his labours, 'that no pains have been spared to make the book as concise and practical as possible, without doing so at the expense of perspicuity, or by the omission of any important points.'"—*Law Times*.

In one volume, 8vo, price 25s., cloth,

AN ESSAY ON
THE RIGHTS OF THE CROWN
 AND THE PRIVILEGES OF THE SUBJECT
 IN THE SEA SHORES OF THE REALM.

By ROBERT GREAM HALL,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

SECOND EDITION.

REVISED AND CORRECTED, TOGETHER WITH EXTENSIVE ANNOTATIONS,
 AND REFERENCES TO THE LATER AUTHORITIES IN ENGLAND,
 SCOTLAND, IRELAND, AND THE UNITED STATES.

By RICHARD LOVELAND LOVELAND,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"This is an interesting and valuable book. It treats of one of those obscure branches of the law which there is no great inducement for a legal writer to take up. . . . Mr. Hall, whose first edition was issued in 1830, was a writer of considerable power and method. Mr. Loveland's editing reflects the valuable qualities of the 'Essay' itself. He has done his work without pretension, but in a solid and efficient manner. The 'Summary of Contents' gives an admirable epitome of the chief points discussed in the 'Essay,' and indeed, in some twenty propositions, supplies a useful outline of the whole law. Recent cases are noted at the foot of each page with great care and accuracy, while an Appendix contains much valuable matter; including Lord Hale's treatise *De Jure Maris*, about which there has been so much controversy, and Serjeant Merewether's learned argument on the rights in the river Thames. The book will, we think, take its place as the modern authority on the subject."—*Law Journal*.

"The treatise, as originally published, was one of considerable value, and has ever since been quoted as a standard authority. But as time passed, and cases accumulated, its value diminished, as it was

necessary to supplement it so largely by reference to cases since decided. A tempting opportunity was, therefore, offered to an intelligent editor to supply this defect in the work, and Mr. Loveland has seized it, and proved his capacity in a very marked manner. As very good specimens of annotation, showing clear judgment in selection, we may refer to the subject of alluvion at page 109, and the rights of fishery at page 50. At the latter place he begins his notes by stating under what expressions a 'several fishery' has been held to pass, proceeding subsequently to the evidence which is sufficient to support a claim to ownership of a fishery. The important question under what circumstances property can be acquired in the soil between high and low water mark is lucidly discussed at page 77, whilst at page 81 we find a pregnant note on the property of a grantee of wreck in goods stranded within his liberty.

"We think we can promise Mr. Loveland the reward for which alone he says he looks—that this edition of Hall's Essay will prove a most decided assistance to those engaged in cases relating to the foreshores of the country."—*Law Times*.

"The entire book is masterly."—ALBANY LAW JOURNAL.

In one volume, 8vo, price 12s., cloth,

A TREATISE ON THE LAW RELATING TO THE
POLLUTION AND OBSTRUCTION OF WATER COURSES;

TOGETHER WITH A BRIEF SUMMARY OF THE VARIOUS SOURCES OF RIVERS
 POLLUTION.

By CLEMENT HIGGINS, M.A., F.C.S.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"As a compendium of the law upon a special and rather intricate subject, this treatise cannot but prove of great practical value, and more especially to those who have to advise upon the institution of proceedings under the Rivers Pollution Preventive Act, 1876, or to adjudicate upon those proceedings when brought."—*Irish Law Times*.

"We can recommend Mr. Higgins' Manual as the best guide we possess."—*Public Health*.
 "County Court Judges, Sanitary Authorities, and Riparian Owners will find in Mr. Higgins' Treatise a valuable aid in obtaining a clear notion of the Law on the Subject. Mr. Higgins has accomplished a work for which he will readily be recognised as having special fitness, on account of

his practical acquaintance both with the scientific and the legal aspects of his subject."—*Law Magazine and Review*.

"The volume is very carefully arranged throughout, and will prove of great utility both to miners and to owners of land on the banks of rivers."—*The Mining Journal*.

"Mr. Higgins writes tersely and clearly, while his facts are so well arranged that it is a pleasure to refer to his book for information; and altogether the work is one which will be found very useful by all interested in the subject to which it relates."—*Engineer*.

"A compact and convenient manual of the law on the subject to which it relates."—*Solicitors' Journal*.

In 8vo, THIRD EDITION, price 25s., cloth,

MAYNE'S TREATISE ON THE LAW OF DAMAGES.

THIRD EDITION.

BY

JOHN D. MAYNE,

OF THE INNER TEMPLE, BARRISTER-AT-LAW;

AND

LUMLEY SMITH,

OF THE INNER TEMPLE, Q.C.

"During the twenty-two years which have elapsed since the publication of this well-known work, its reputation has been steadily growing, and it has long since become the recognised authority on the important subject of which it treats."—LAW MAGAZINE AND REVIEW.

"This edition of what has become a standard work has the advantage of appearing under the supervision of the original author as well as of Mr. Lumley Smith, the editor of the second edition. The result is most satisfactory. Mr. Lumley Smith's edition was ably and conscientiously prepared, and we are glad to find that the reader still enjoys the benefit of his accuracy and learning. At the same time the book has doubtless, been improved by the reappearance of its author as co-editor. The earlier part, indeed, has been to a considerable extent entirely rewritten.

"Upon the general principles, according to which damages are to be assessed in actions of contract, *Hadley v. Baxendale* (9 Ex. 341) still remains the leading authority, and furnishes the text for the discussion contained in the second chapter of Mr. Mayne's book. Properly understood and limited, the rule proposed in that case, although in one respect not very happily worded, is a sound one, and has been repeatedly approved both in England and America. The subsequent decisions, which are concisely summarized by Mr. Mayne, have established that mere knowledge of special circumstances is not enough, unless it can be inferred from the whole transaction that the contractor consented to become liable to the extra damage. This limitation is obviously just, especially in the case of persons, such as common carriers, who have no option to refuse the contract. Mere knowledge on their part of special circumstances ought not, and, according to the *dicta* of the judges in the Exchequer Chamber in *Horne v. Midland Railway Company* (21 W. R. 481, L. R. 8 C. P. 131), would not involve the carrier in additional responsibility. Mr. Mayne's criticism of the numerous cases in which this matter has been considered leaves nothing to be desired, and the rules he deduces therefrom (pp. 32, 33) appear to us to exhaust the subject.

"Mr. Mayne's remarks on damages in actions of tort are brief. We agree with him that in such actions the courts are governed by far looser principles than in contracts; indeed, sometimes it is impossible to say they are governed by any principles at all. In actions for injuries to the person or reputation, for example, a judge cannot do more than give a general direction to the jury to give what the facts proved in their judgment required. And, according to the better opinion they may give damages 'for example's sake,' and mulct a rich man more heavily than a poor one. In actions for injuries to property, however, 'vindictive' or 'exemplary' damages cannot, except in very rare cases, be awarded, but must be limited, as in contract, to the actual harm sustained.

"The subject of remoteness of damage is treated at considerable length by Mr. Mayne, and we notice that much new matter has been added. Thus the recent case of *Riding v. Smith* (24 W. R. 487, 1 Ex. D. 91) furnishes the author with an opportunity of discussing the well-known rule in *Ward v. Weeks* (7 Bing. 211) that injury resulting from the repetition of a slander is not actionable. The rule has always seemed to us a strange one, if a man is to be made responsible for the natural consequences of his acts. For every one who utters a slander may be perfectly certain that it will be repeated.

"It is needless to comment upon the arrangement of the subjects in this edition, in which no alteration has been made. The editors modestly express a hope that all the English as well as the principal Irish decisions up to the date have been included, and we believe from our own examination that the hope is well founded. We may regret that, warned by the growing bulk of the book, the editors have not included any fresh American cases, but we feel that the omission was unavoidable. We should add that the whole work has been thoroughly revised."—*Solicitor's Journal*.

"This text-book is so well known, not only as the highest authority on the subject treated of, but as one of the best text-books ever written, that it would be idle for us to speak of it in the words of commendation that it deserves. It is a work that no practising lawyer can do without."—CANADA LAW JOURNAL.

In 8vo, price 2s., sewed,

TABLE of the FOREIGN MERCANTILE LAWS and CODES

in Force in the Principal States of EUROPE and AMERICA. By CHARLES LYON-CAEN, Professeur agrégé à la Faculté de Droit de Paris; Professeur à l'Ecole libre des Sciences politiques. Translated by NAPOLEON ARGLES, Solicitor, Paris.

In one volume, demy 8vo, price 10s. 6d., cloth,

PRINCIPLES OF THE LAW OF STOPPAGE IN TRANSITU, RETENTION, AND DELIVERY.

By JOHN HOUSTON, of the Middle Temple, Barrister-at-Law.

"We have no hesitation in saying, that we think Mr. Houston's book will be a very useful accession to the library of either the merchant or the lawyer."
—*Solicitors' Journal*.

"We have, indeed, met with few works which so

successfully surmount the difficulties in the way of this arduous undertaking as the one before us; for the language is well chosen, it is exhaustive of the law, and is systematised with great method."
—*American Law Review*.

In 8vo, price 10s. 6d., cloth,

A REPORT OF THE CASE OF

THE QUEEN v. GURNEY AND OTHERS,

In the Court of Queen's Bench before the Lord Chief Justice COCKBURN. With an Introduction, containing a History of the Case, and an Examination of the Cases at Law and Equity applicable to it; or Illustrating THE DOCTRINE OF COMMERCIAL FRAUD. By W. F. FINLASON, Barrister-at-Law.

"It will probably be a very long time before the prosecution of the Overend and Gurney directors is forgotten. It remains as an example, and a legal precedent of considerable value. It involved the immensely important question where innocent misrepresentation ends, and where fraudulent misrepresentation begins.

"All who perused the report of this case in the columns of the *Times*, must have observed the remarkable fulness and accuracy with which that

duty was discharged, and nothing could be more natural than that the reporter should publish a separate report in book form. This has been done, and Mr. Finlason introduces the report by one hundred pages of dissertation on the general law. To this we shall proceed to refer, simply remarking before doing so, that the charge to the jury has been carefully revised by the Lord Chief Justice."
—*Law Times*.

12mo, price 10s. 6d., cloth,

A TREATISE ON THE GAME LAWS OF ENGLAND AND WALES:

Including Introduction, Statutes, Explanatory Notes, Cases, and Index. By JOHN LOCKE, M.P., Q.C., Recorder of Brighton. The Fifth Edition, in which are introduced the GAME LAWS of SCOTLAND and IRELAND. By GILMORE EVANS, of the Inner Temple, Barrister-at-Law.

In royal 8vo, price 10s. 6d., cloth,

THE PRACTICE OF EQUITY BY WAY OF REVIVOR AND SUPPLEMENT.

With Forms of Orders and Appendix of Bills.

By LOFTUS LEIGH PEMBERTON, of the Chancery Registrar's Office.

"Mr. Pemberton has, with great care, brought together and classified all these conflicting cases, and has, as far as may be, deduced principles which

will probably be applied to future cases."
—*Solicitors' Journal*.

In 8vo, price 5s., cloth,

THE LAW OF PRIORITY.

A CONCISE VIEW OF THE LAW RELATING TO PRIORITY OF INCUMBRANCES AND OF OTHER RIGHTS IN PROPERTY.

By W. G. ROBINSON, M.A., Barrister-at-Law.

"Mr. Robinson's book may be recommended to the advanced student, and will furnish the practi-

tioner with a useful supplement to larger and more complete works."
—*Solicitors' Journal*.

In crown 8vo, price 16s., cloth,

A MANUAL OF THE PRACTICE OF PARLIAMENTARY ELECTIONS THROUGHOUT GREAT BRITAIN AND IRELAND.

Comprising the Duties of Returning Officers and their Deputies, Town Clerks, Agents, Poll-Clerks, &c., and the Law of Election Expenses, Corrupt Practices, and illegal Payments. With an Appendix of Statutes and an Index. By HENRY JEFFREYS BUSHBY, Esq., one of the Metropolitan Police Magistrates, sometime Recorder of Colchester.—Fifth Edition. Adapted to and embodying the recent changes in the Law, including the Ballot Act, the Instructions to Returning Officers in England and Scotland issued by the Home Office, and the whole of the Statute Law relating to the subject. Edited by HENRY HARDCASTLE, of the Inner Temple, Barrister-at-Law.

"We have just received at a very opportune moment the new edition of this useful work. We need only say that those who have to do with elections will find 'Bushby's Manual' replete with information and trustworthy, and that Mr. Hardcastle has incorporated all the recent changes of the law."—*Law Journal*.

"As far as we can judge, Mr. Hardcastle, who

is known as one of the joint editors of O'Malley and Hardcastle's Election Reports, has done his work well. . . . For practical purposes, as a handy manual, we can recommend the work to returning officers, agents, and candidates; and returning officers cannot do better than distribute this manual freely amongst their subordinates, if they wish them to understand their work."—*Solicitors' Journal*.

A Companion Volume to the above, in crown 8vo, price 9s., cloth,

THE LAW AND PRACTICE OF ELECTION PETITIONS,

With an Appendix containing the Parliamentary Elections Act, 1868, the General Rules for the Trial of Election Petitions in England, Scotland, and Ireland, Forms of Petitions, &c. Second Edition. By HENRY HARDCASTLE, of the Inner Temple, Barrister-at-Law.

"Mr. Hardcastle gives us an original treatise with foot notes, and he has evidently taken very considerable pains to make his work a reliable guide. Beginning with the effect of the Election Petitions Act, 1868, he takes his readers step by step through the new procedure. His mode of treating the subject of 'particulars' will be found

extremely useful, and he gives all the law and practice in a very small compass. In an Appendix is supplied the Act and the Rules. We can thoroughly recommend Mr. Hardcastle's book as a concise manual on the law and practice of election petitions."—*Law Times*.

Now ready, Vols. I., II., & III., price 73s.; and Vol. IV., Pt. I., price 2s. 6d.,

REPORTS OF THE DECISIONS OF THE

JUDGES FOR THE TRIAL OF ELECTION PETITIONS IN ENGLAND AND IRELAND.

PURSUANT TO THE PARLIAMENTARY ELECTIONS ACT, 1868.

By EDWARD LOUGHLIN O'MALLEY AND HENRY HARDCASTLE.

In 8vo, price 12s., cloth,

THE LAW OF FIXTURES,

IN THE PRINCIPAL RELATION OF
LANDLORD AND TENANT,

AND IN ALL OTHER OR GENERAL RELATIONS.

FOURTH EDITION.

By ARCHIBALD BROWN, M.A. Edin. and Oxon., and B.C.L. Oxon.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"The author tells us that every endeavour has been made to make this Edition as complete as possible. We think he has been very successful. For instance, the changes effected by the Bills of Sale Act, 1878, have been well indicated, and a new chapter has been added with reference to the Law of Ecclesiastical Fixtures and Dilapidations. The book is worthy of the success it has achieved."—*Law Times*.

"We have touched on the principal features of this

new edition, and we have no space for further remarks on the book itself: but we may observe that the particular circumstances of the cases cited are in all instances sufficiently detailed to make the principle of law clear; and though very many of the principles given are in the very words of the judges, at the same time the author has not spared to deduce his own observations, and the treatise is commendable as well for originality as for laboriousness."—*Law Journal*.

Stevens and Haynes' Series of Reprints of the Early Reporters.

SIR BARTHOLOMEW SHOWER'S PARLIAMENTARY CASES.

In 8vo, 1876, price 4*l.* 4*s.*, best calf binding,

SHOWER'S CASES IN PARLIAMENT

RESOLVED AND ADJUDGED UPON PETITIONS & WRITS OF ERROR.

FOURTH EDITION.

CONTAINING ADDITIONAL CASES NOT HITHERTO REPORTED.

REVISED AND EDITED BY

RICHARD LOVELAND LOVELAND,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; EDITOR OF "KELYNG'S CROWN CASES," AND
"HALL'S ESSAY ON THE RIGHTS OF THE CROWN IN THE SEASHORE."

"Messrs. STEVENS & HAYNES, the successful publishers of the Reprints of Bellewe, Cooke, Cunningham, Brookes's New Cases, Choyce Cases in Chancery, William Kelynge and Kelyng's Crown Cases, determined to issue a new or fourth Edition of Shower's Cases in Parliament.

"The volume, although beautifully printed on old-fashioned Paper, in old-fashioned type, instead of being in the quarto, is in the more convenient octavo form, and contains several additional cases not to be found in any of the previous editions of the work.

"These are all cases of importance, worthy of being ushered into the light of the world by enterprising publishers.

"Shower's Cases are models for reporters, even in our day. The statements of the case, the arguments of counsel, and the opinions of the Judges, are all clearly and ably given.

"This new edition with an old face of these valuable reports, under the able editorship of R. L. Loveland, Esq., should, in the language of the advertisement, 'be welcomed by the profession, as well as enable the custodians of public libraries to complete or add to their series of English Law Reports.'"—*Canada Law Journal*.

BELLEWE'S CASES, T. RICHARD II.

In 8vo, 1869, price 3*l.* 3*s.*, bound in calf antique,

LES ANS DU ROY RICHARD LE SECOND.

Collect' ensembl' hors les abridgments de Statham, Fitzherbert et Brooke. Per RICHARD BELLEWE, de Lincolns Inne. 1585. Reprinted from the Original Edition.

"No public library in the world, where English law finds a place, should be without a copy of this edition of Bellewe."—*Canada Law Journal*.

"We have here a *fac-simile* edition of Bellewe, and it is really the most beautiful and admirable reprint that has appeared at any time. It is a perfect gem of antique printing, and forms a most interesting monument of our early legal history. It belongs to the same class of works as the Year Book of Edward I. and other similar works which have been printed in our own time under the auspices of the Master of the Rolls; but is far superior to any of them, and is in this respect

highly creditable to the spirit and enterprise of private publishers. The work is an important link in our legal history; there are no year books of the reign of Richard II., and Bellewe supplied the only substitute by carefully extracting and collecting all the cases he could find, and he did it in the most convenient form—that of alphabetical arrangement in the order of subjects, so that the work is a digest as well as a book of law reports. It is in fact a collection of cases of the reign of Richard II., arranged according to their subjects in alphabetical order. It is therefore, one of the most intelligible and interesting legal memorials of the Middle Ages."—*Law Times*.

CUNNINGHAM'S REPORTS.

In 8vo, 1871, price 3*l.* 3*s.*, calf antique,

CUNNINGHAM'S (T.) Reports in K. B., 7 to 10 Geo. II.; to which is prefixed a Proposal for rendering the Laws of England clear and certain, humbly offered to the Consideration of both Houses of Parliament. Third edition, with numerous Corrections. BY THOMAS TOWNSEND BUCKNILL, Barrister-at-Law.

"The instructive chapter which precedes the cases, entitled 'A proposal for rendering the Laws of England clear and certain,' gives the volume a degree of peculiar interest, independent of the value of many of the reported cases. That chapter begins with words which ought, for the information of every people, to be printed in letters of gold. They are as follows: 'Nothing conduces more to this

peace and prosperity of every nation than good laws and the due execution of them.' The history of the civil law is then rapidly traced. Next a history is given of English Reporters, beginning with the reporters of the Year Books from 1 Edw. III. to 12 Hen. VIII.—being near 200 years—and afterwards to the time of the author."—*Canada Law Journal*.

Stevens and Haynes' Series of Reprints of the Early Reports.

CHOYCE CASES IN CHANCERY.

In 8vo, 1870, price 2l. 2s., calf antique,

THE PRACTICE OF THE HIGH COURT OF CHANCERY.

With the Nature of the several Offices belonging to that Court. And the Reports of many Cases wherein Relief hath been there had, and where denied.

"This volume, in paper, type, and binding (like "Bellewe's Cases") is a fac-simile of the antique edition. All who buy the one should buy the other."—*Canada Law Journal*.

In 8vo, 1872, price 3l. 3s., calf antique.

SIR G. COOKE'S COMMON PLEAS REPORTS

IN THE REIGNS OF QUEEN ANNE, AND KINGS GEORGE I. AND II.

The Third Edition, with Additional Cases and References contained in the Notes taken from L. C. J. EYRE'S MSS. by Mr. Justice NARES, edited by THOMAS TOWNSEND BUCKNILL, of the Inner Temple, Barrister-at-Law.

"Law books never can die or remain long dead so long as Stevens and Haynes are willing to continue them or revive them when dead. It is certainly surprising to see with what facial accuracy

an old volume of Reports may be produced by these modern publishers, whose good taste is only equalled by their enterprise."—*Canada Law Journal*.

BROOKE'S NEW CASES WITH MARCH'S TRANSLATION.

In 8vo, 1873, price 4l. 4s., calf antique.

BROOKE'S (Sir Robert) New Cases in the time of Henry VIII., Edward VI., and Queen Mary, collected out of Brook's Abridgement, and arranged under years, with a table, together with MARCH'S (John) *Translation of BROOKE'S New Cases* in the time of Henry VIII., Edward VI., and Queen Mary, collected out of BROOKE'S Abridgement, and reduced alphabetically under their proper heads and titles, with a table of the principal matters. In one handsome volume. 8vo. 1873.

"Both the original and the translation having long been very scarce, and the mispaging and other errors in March's translation making a new and corrected edition peculiarly desirable, Messrs.

Stevens and Haynes have reprinted the two books in one volume, uniform with the preceding volumes of the series of Early Reports."—*Canada Law Journal*.

KELYNGE'S (W.) REPORTS.

In 8vo, 1873, price 4l. 4s., calf antique,

KELYNGE'S (William) Reports of Cases in Chancery, the King's Bench, &c., from the 3rd to the 9th year of his late Majesty King George II., during which time Lord King was Chancellor, and the Lords Raymond and Hardwicke were Chief Justices of England. To which are added, seventy New Cases not in the First Edition. Third Edition. In one handsome volume. 8vo. 1873.

KELYNG'S (SIR JOHN) CROWN CASES.

In 8vo, 1873, price 4l. 4s., calf antique,

KELYNG'S (Sir J.) Reports of Divers Cases in Pleas of the Crown in the Reign of King Charles II., with Directions to Justices of the Peace, and others; to which are added, Three Modern Cases, viz., Armstrong and Lisle, the King and Plummer, the Queen and Mawgridge. Third Edition, containing several additional Cases never before printed, together with a TREATISE UPON THE LAW AND PROCEEDINGS IN CASES OF HIGH TREASON, first published in 1793. The whole carefully revised and edited by RICHARD LOVELAND LOVELAND, of the Inner Temple, Barrister-at-Law.

"We look upon this volume as one of the most important and valuable of the unique reprints of Messrs Stevens and Haynes. Little do we know of the mines of legal wealth that lie buried in the old law books. But a careful examination, either of the reports or of the treatise embodied in the volume now before us, will give the reader some idea of the

good service rendered by Messrs. Stevens and Haynes to the profession. . . . Should occasion arise, the Crown prosecutor, as well as counsel for the prisoner will find in this volume a complete *vade mecum* of the law of high treason and proceedings in relation thereto."—*Canada Law Journal*.

In one volume, 8vo, price 25s., cloth,

A CONCISE TREATISE ON PRIVATE INTERNATIONAL JURISPRUDENCE,

BASED ON THE DECISIONS IN THE ENGLISH COURTS.

By JOHN ALDERSON FOOTE,

OF LINCOLN'S INN, BARRISTER-AT-LAW; CHANCELLOR'S LEGAL MEDALLIST AND SENIOR WHEWELL SCHOLAR
OF INTERNATIONAL LAW CAMBRIDGE UNIVERSITY, 1873; SENIOR STUDENT IN JURISPRUDENCE
AND ROMAN LAW, INNS OF COURT EXAMINATION, HILARY TERM, 1874.

"This work seems to us likely to prove of considerable use to all English lawyers who have to deal with questions of private international law. Since the publication of Mr. Westlake's valuable treatise, twenty years ago, the judicial decisions of English courts bearing upon different parts of this subject have greatly increased in number, and it is full time that these decisions should be examined, and that the conclusions to be deduced from them should be systematically set forth in a treatise. Moreover, Mr. Foote has done this well."—*Solicitors' Journal*.

"Mr. Foote has done his work very well, and the book will be useful to all who have to deal with the class of cases in which English law alone is not sufficient to settle the question."—*Saturday Review*, March 8, 1879.

"The author's object has been to reduce into order the mass of materials already accumulated in the shape of explanation and actual decision on the interesting matter of which he treats; and to construct a framework of private international law, not from the *dicta* of jurists so much as from judicial decisions in English Courts which have superseded them. And it is here, in compiling and arranging in a concise form this valuable material, that Mr. Foote's wide range of knowledge and legal acumen bear such good fruit. As a guide and assistant to the student of international law, the whole treatise will be invaluable; while a table of cases and a general index will enable him to find what he wants without trouble."—*Standard*.

"The recent decisions on points of international law (and there have been a large number since Westlake's publication) have been well stated. So far as we have observed, no case of any importance has been omitted, and the leading cases have been fully analysed. The author does not hesitate to criticise the grounds of a decision when these appear to him to conflict with the proper rule of law. Most of his criticisms seem to us very just. . . . On the whole we can recommend Mr. Foote's treatise as a useful addition to our text-books, and we expect it will rapidly find its way into the hands of practising lawyers."—*The Journal of Jurisprudence and Scottish Law Magazine*.

"Mr. Foote has evidently borne closely in mind the needs of Students of Jurisprudence as well as those of the Practitioners. For both, the fact that his work is almost entirely one of Case-law, will commend it as one useful alike in Chambers and in Court."—*Law Magazine and Review*.

"Mr. Foote's book will be useful to the student. . . . One of the best points of Mr. Foote's book is the 'Continuous Summary,' which occupies about thirty pages, and is divided into four parts—Persons, Property, Acts, and Procedure. Mr. Foote remarks that these summaries are not in any way intended as an attempt at codification. However that may be, they are a digest which reflects high credit on the author's assiduity and capacity. They are 'meant merely to guide the student;' but they will do much more than guide him. They will enable him to get such a grasp of the subject as will render the reading of the text easy and fruitful."—*Law Journal*.

"This book is well adapted to be used both as a text-book for students and a book of reference for practising barristers."—*Bar Examination Journal*.

"This is a book which supplies the want which has long been felt for a really good modern treatise on Private International Law adapted to the every-day requirements of the English Practitioner. The whole volume, although designed for the use of the practitioner, is so moderate in size—an octavo of 500 pages only—and the arrangement and development of the subject so well conceived and executed, that it will amply repay perusal by those whose immediate object may be not the actual decisions of a knotty point but the satisfactory disposal of an examination paper."—*Oxford and Cambridge Undergraduates' Journal*.

"Since the publication, some twenty years ago, of Mr. Westlake's Treatise, Mr. Foote's book is, in our opinion, the best work on private international law which has appeared in the English language. . . . The work is executed with much ability, and will doubtless be found of great value by all persons who have to consider questions on private international law."—*Athenaeum*.

THE Law Magazine and Review,

AND

QUARTERLY DIGEST OF ALL REPORTED CASES.

Price FIVE SHILLINGS each Number.

No. CCXVIII. (Vol. 1, No. I, of the New QUARTERLY Series). November, 1875.
No. CCXIX. (Vol. 1, 4th Series No. II.) February, 1876.

N.B.—These two Numbers are out of print.

No. CCXX.	(Vol. 1, 4th Series No. III.)	For May, 1876.
No. CCXXI.	(Vol. 1, 4th Series No. IV.)	For August, 1876.
No. CCXXII.	(Vol. 2, 4th Series No. V.)	For November, 1876.
No. CCXXIII.	(Vol. 2, 4th Series No. VI.)	For February, 1877.
No. CCXXIV.	(Vol. 2, 4th Series No. VII.)	For May, 1877.
No. CCXXV.	(Vol. 2, 4th Series No. VIII.)	For August, 1877.
No. CCXXVI.	(Vol. 3, 4th Series No. IX.)	For November, 1877.
No. CCXXVII.	(Vol. 3, 4th Series No. X.)	For February, 1878.
No. CCXXVIII.	(Vol. 3, 4th Series No. XI.)	For May, 1878.
No. CCXXIX.	(Vol. 3, 4th Series No. XII.)	For August, 1878.
No. CCXXX.	(Vol. 4, 4th Series No. XIII.)	For November, 1878.
No. CCXXXI.	(Vol. 4, 4th Series No. XIV.)	For February, 1879.
No. CCXXXII.	(Vol. 4, 4th Series No. XV.)	For May, 1879.
No. CCXXXIII.	(Vol. 4, 4th Series No. XVI.)	For August, 1879.
No. CCXXXIV.	(Vol. 5, 4th Series No. XVII.)	For November, 1879.
No. CCXXXV.	(Vol. 5, 4th Series No. XVIII.)	For February, 1880.
No. CCXXXVI.	(Vol. 5, 4th Series No. XIX.)	For May, 1880.
No. CCXXXVII.	(Vol. 5, 4th Series No. XX.)	For August, 1880.
No. CCXXXVIII.	(Vol. 6, 4th Series No. XXI.)	For November, 1880.
No. CCXXXIX.	(Vol. 6, 4th Series No. XXII.)	For February, 1881.
No. CCXL.	(Vol. 6, 4th Series No. XXIII.)	For May, 1881.
No. CCXLI.	(Vol. 6, 4th Series No. XXIV.)	For August, 1881.
No. CCXLII.	(Vol. 7, 4th Series No. XXV.)	For November, 1881.
No. CCXLIII.	(Vol. 7, 4th Series No. XXVI.)	For February, 1882.
No. CCXLIV.	(Vol. 7, 4th Series No. XXVII.)	For May, 1882.
No. CCXLV.	(Vol. 7, 4th Series No. XXVIII.)	For August, 1882.

An Annual Subscription of 20s., paid in advance to the Publishers, will secure the receipt of the LAW MAGAZINE, free by post, within the United Kingdom, or for 24s. to the Colonies and Abroad.

Third Edition, in one vol., 8vo, price , cloth, *in preparation.*

A TREATISE ON HINDU LAW AND USAGE.

By JOHN D. MAYNE, of the Inner Temple, Barrister-at-Law, Author of "A Treatise on Damages," &c.

"A new work from the pen of so established an authority as Mr. Mayne cannot fail to be welcome to the legal profession. In his present volume the late Officiating Advocate-General at Madras has drawn upon the stores of his long experience in Southern India, and has produced a work of value alike to the practitioner at the Indian Bar, or at home, in appeal cases, and to the scientific jurist.

"To all who, whether as practitioners or administrators, or as students of the science of jurisprudence, desire a thoughtful and suggestive work of reference on Hindu Law and Usage, we heartily recommend the careful perusal of Mr. Mayne's valuable treatise."
—*Law Magazine and Review.*

In 8vo, 1877, price 15s., cloth,

A DIGEST OF HINDU LAW.

AS ADMINISTERED IN THE COURTS OF THE MADRAS PRESIDENCY.

ARRANGED AND ANNOTATED

By H. S. CUNNINGHAM, M.A., Advocate-General, Madras.

DUTCH LAW.

Vol. I., Royal 8vo, price 40s., cloth,

VAN LEEUWEN'S COMMENTARIES ON THE ROMAN-DUTCH

LAW. Revised and Edited with Notes in Two Volumes by C. W. DECKER, Advocate. Translated from the original Dutch by J. G. KOTZÉ, LL.B., of the Inner Temple, Barrister-at-Law, and Chief Justice of the Transvaal. With Facsimile Portrait of DECKER from the Edition of 1780.

* * Vol. II. is in course of preparation.

BUCHANAN (J.), Reports of Cases decided in the Supreme Court of the CAPE OF GOOD HOPE. 1868, 1869, 1870-73, and 74. Bound in Three Vols. Royal 8vo. — 1875, Parts I to 4. 1l. 5s.

MENZIES' (W.), Reports of Cases decided in the Supreme Court of the CAPE OF GOOD HOPE. Vol. I., Vol. II., Vol. III.

BUCHANAN (J.), Index and Digest of Cases decided in the Supreme Court of the CAPE OF GOOD HOPE, reported by the late Hon. WILLIAM MENZIES. Compiled by JAMES BUCHANAN, Advocate of the Supreme Court. In One Vol., royal 8vo.

In 8vo, 1878, cloth,

PRECEDENTS IN PLEADING: being Forms filed of Record in the Supreme Court of the Colony of the Cape of Good Hope. Collected and Arranged by JAMES BUCHANAN.

In Crown 8vo, price 31s. 6d., boards,

THE INTRODUCTION TO DUTCH JURISPRUDENCE OF

HUGO GROTIUS, with Notes by Simon van Groenwegen van der Made, and References to Van der Kessel's Theses and Schorer's Notes. Translated by A. F. S. MAASDORP, B.A., of the Inner Temple, Barrister-at-Law.

In 12mo, price 15s. *nett*, boards,

SELECT THESES ON THE LAWS OF HOLLAND & ZEELAND.

Being a Commentary of Hugo Grotius' Introduction to Dutch Jurisprudence, and intended to supply certain defects therein, and to determine some of the more celebrated Controversies on the Law of Holland. By DIONYSIUS GODEFRIDUS VAN DER KESSEL, Advocate, and Professor of the Civil and Modern Laws in the Universities of Leyden. Translated from the original Latin by C. A. LORENZ, of Lincoln's Inn, Barrister-at-Law. Second Edition, With a Biographical Notice of the Author by Professor J. DE WAL, of Leyden.

THE
Bar Examination Journal.

No. 34. Price 3s.

TRINITY, 1882.

CONTENTS:—

SUBJECTS OF EXAMINATION.
 EXAMINATION PAPERS, WITH ANSWERS.
 REAL AND PERSONAL PROPERTY.
 EQUITY.
 COMMON LAW.
 ROMAN LAW.
 LIST OF SUCCESSFUL CANDIDATES.
 STUDENTSHIP EXAMINATION PAPERS.

EDITED BY

A. D. TYSSSEN, D.C.L., M.A.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW; AND

W. D. EDWARDS, LL.B.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

*** It is intended in future to publish a Number of the Journal after each Examination.*

Now published, in 8vo, price 18s. each, cloth,

THE BAR EXAMINATION JOURNAL, VOLS. IV. & V.

Containing the Examination Questions and Answers from Easter Term, 1878, to Hilary Term, 1880, and Easter Term, 1880, to Hilary Term, 1882, with List of Successful Candidates at each examination, Notes on the Law of Property, and a Synopsis of Recent Legislation of importance to Students, and other information.

By A. D. TYSSSEN AND W. D. EDWARDS, Barristers-at-Law.

Second Edition. In 8vo, price 6s., cloth,

A SUMMARY OF JOINT STOCK COMPANIES' LAW.

By T. EUSTACE SMITH,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"The author of this hand-book tells us that, when an articulated student reading for the final examination, he felt the want of such a work as that before us, wherein could be found the main principles of law relating to joint-stock companies . . . Law students may well read it; for Mr. Smith has very wisely been at the pains of giving his authority for all his statements of the law or of practice, as applied to joint-stock company business usually transacted in solicitor's chambers. In fact, Mr. Smith has by his little book offered a fresh inducement to students to make themselves—at all events, to some extent—acquainted with company law as a separate branch of study."—*Law Times*.

"These pages give, in the words of the Preface, 'as briefly and concisely as possible, a general view both of the principles and practice of the law affecting companies. The work is excellently printed, and authorities are cited; but in no case is the very language of the statutes copied. The plan is good, and shows both grasp and neatness, and, both amongst students and laymen, Mr. Smith's book ought to meet a ready sale.'"—*Law Journal*.

"The book is one from which we have derived a large amount of valuable information, and we can heartily and conscientiously recommend it to our readers."—*Oxford and Cambridge Undergraduates' Journal*.

In 8vo, price 12s., cloth,

THE LAW OF NEGLIGENCE.

SECOND EDITION.

By ROBERT CAMPBELL, of Lincoln's Inn, Barrister-at-Law, and Advocate of the Scotch Bar.

"A new edition has appeared of Mr. Campbell's excellent work on 'The Law of Negligence,' in which no pains have been spared in collecting cases, and the style of which is clear and easy."—*Saturday Review*, March 8, 1879.

"No less an authority than the late Mr. Justice Willes, in his judgment in *Oppenheim v. White Lion Hotel Co.*, characterised Mr. Campbell's 'Law of Negligence' as a 'very good book;' and since very good books are by no means plentiful,

when compared with the numbers of indifferent ones which annually issue from the press, we think the profession will be thankful to the author of this new edition brought down to date. It is indeed an able and scholarly treatise on a somewhat difficult branch of law, in the treatment of which the author's knowledge of Roman and Scotch Jurisprudence has stood him in good stead. We confidently recommend it alike to the student and the practitioner."—*Law Magazine*.

BIBLIOTHECA LEGUM.

In 12mo (nearly 400 pages), price 2s., cloth,

A CATALOGUE OF LAW BOOKS,

Including all the Reports in the various Courts of England, Scotland, and Ireland; with a Supplement to December, 1880. By HENRY G. STEVENS and ROBERT W. HAYNES, Law Publishers and Booksellers; Exporters of Law and Miscellaneous Literature; Foreign and Colonial Literary Agents, &c., &c.

In small 4to, price 2s., cloth, beautifully printed, with a large margin, for the special use of Librarians,

A CATALOGUE OF THE

REPORTS IN THE VARIOUS COURTS

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

ARRANGED BOTH IN ALPHABETICAL & CHRONOLOGICAL ORDER.

By STEVENS & HAYNES, *Law Publishers*.

In royal 8vo, price 28s., cloth,

AN INDEX TO

TEN THOUSAND PRECEDENTS IN CONVEYANCING,

AND TO COMMON AND COMMERCIAL FORMS.

Arranged in Alphabetical order with Subdivisions of an Analytical Nature; together with an Appendix containing an Abstract of the Stamp Act, 1870, with a Schedule of Duties; the Regulations relative to, and the Stamp Duties payable on, Probates of Wills, Letters of Administration, Legacies, and Successions. By WALTER ARTHUR COPINGER, of the Middle Temple, Barrister-at-Law, Author of "The Law of Copyright in Works of Literature and Art."

In 8vo, Fourth Edition, price 6s., cloth,

THE MARRIED WOMEN'S PROPERTY ACTS;

THEIR RELATIONS TO THE DOCTRINE OF SEPARATE USE.

WITH APPENDIX OF STATUTES AND FORMS.

By the late J. R. GRIFFITH, B.A., Oxon., of Lincoln's Inn, Barrister-at-Law. *Fourth Edition.* By W. GREGORY WALKER, of Lincoln's Inn, Barrister-at-Law; Author of "A Manual of the Law of Partition," &c.

"The subject of this little treatise is one which is of every-day interest and practical importance, and the public and practitioner will find in this edition a brief but pithy statement of the laws, comprising the Acts themselves, and the Cases bearing upon their construction."—*Law Times*.

Just published, in 8vo, price 12s., cloth,

CHAPTERS ON THE LAW RELATING TO THE COLONIES.

To which is appended a TOPICAL INDEX of CASES DECIDED in the PRIVY COUNCIL on Appeal from the Colonies, the Channel Islands and the Isle of Man, reported in Acton, Knapp, Moore, the Law Journal Reports, and the Law Reports, to July, 1882.

By CHARLES JAMES TARRING,

OF THE INNER TEMPLE, ESQ., BARRISTER-AT-LAW.

CONTENTS.

TABLE OF CASES CITED.

TABLE OF STATUTES CITED.

Introductory.—Definition of a Colony.

Chapter I.—The laws to which the Colonies are subject.

Chapter II.—The Executive.

Section 1.—The Governor.

Section 2.—The Executive Council.

Chapter III.—The Legislative power.

Section 1.—Crown Colonies.

Section 2.—Privileges and powers of colonial Legislative Assemblies.

Chapter IV.—The Judiciary and Bar.

Chapter V.—Appeals from the Colonies.

Chapter VI.—Section 1.—Imperial Statutes relating to the Colonies in general.

Section 2.—Imperial Statutes relating to particular Colonies.

TOPICAL INDEX OF CASES.

INDEX OF TOPICS OF ENGLISH LAW DEALT WITH IN THE CASES.

INDEX OF NAMES OF CASES.

GENERAL INDEX.

In 8vo, price 10s. cloth,

THE TAXATION OF COSTS IN THE CROWN OFFICE.

COMPRISING A COLLECTION OF

BILLS OF COSTS IN THE VARIOUS MATTERS TAXABLE IN THAT OFFICE;

INCLUDING

COSTS UPON the PROSECUTION of FRAUDULENT BANKRUPTS,
AND ON APPEALS FROM INFERIOR COURTS;

TOGETHER WITH

A TABLE OF COURT FEES,

AND A SCALE OF COSTS USUALLY ALLOWED TO SOLICITORS, ON THE TAXATION
OF COSTS ON THE CROWN SIDE OF THE QUEEN'S BENCH DIVISION
OF THE HIGH COURT OF JUSTICE.

By FREDK. H. SHORT,

CHIEF CLERK IN THE CROWN OFFICE.

"This is decidedly a useful work on the subject of those costs which are liable to be taxed before the Queen's Coroner and Attorney (for which latter name that of 'Solicitor' might now well be substituted), or before the master of the Crown Office; in fact, such a book is almost indispensable when preparing costs for taxation in the Crown Office, or when taxing an opponent's costs. Country solicitors will find the scale relating to bankruptcy prosecutions of especial use, as such costs are taxed in the Crown Office. The 'general observations' constitute a useful feature in this manual."—*Law Times*.

"This book contains a collection of bills of costs in the various matters taxable in the Crown Office. When we point out that the only scale of costs available for the use of the general body of solicitors is that published in Mr. Corner's book on 'Crown Practice' in 1844, we have said quite enough to prove the utility of the work before us.

"In them Mr. Short deals with 'Perusals,' 'Copies for Use,' 'Affidavits,' 'Agency,' 'Correspondence,' 'Close Copies,' 'Counsel,' 'Affidavit of Increase,' and kindred matters; and adds some useful remarks on taxation of 'Costs in Bankruptcy Prosecutions,' 'Quo Warranto,' 'Mandamus,' 'Indictments,' and 'Rules.'

"We have rarely seen a work of this character better executed, and we feel sure that it will be thoroughly appreciated."—*Law Journal*.

"The recent revision of the old scale of costs in the Crown Office renders the appearance of this work particularly opportune, and it cannot fail to be welcomed by practitioners. Mr. Short gives, in the first place, a scale of costs usually allowed to solicitors on the taxation of costs in the Crown Office, and then bills of costs in various matters. These are well arranged and clearly printed."—*Solicitors' Journal*.

In one volume, 8vo, price 16s., cloth,
A CONCISE TREATISE ON THE

STATUTE LAW OF THE LIMITATIONS OF ACTIONS.

With an Appendix of Statutes, Copious References to English, Irish, and American Cases, and to the French Code, and a Copious Index.

By HENRY THOMAS BANNING, M.A.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"In this work Mr. Banning has grappled with one of the most perplexing branches of our statute law. The law, as laid down by the judicial decisions on the various Statutes of Limitations, is given in thirty-three short chapters under as many headings, and each chapter treats of a sub-division of one of the main branches of the subject; thus we have ten chapters devoted to real property. This arrangement entails a certain amount of repetition, but is not without its advantages, as the subject of each chapter is tolerably exhaustively treated of within the limits of a few pages. We think that in this respect the author has exercised a wise discretion. So far as we have tested the cases cited, the effect of the numerous decisions appears to be accurately given—indeed, the author has, as we are informed in the preface, 'so far as is consistent with due brevity, employed the *ipsissima verba* of the tribunal;' and the cases are brought down to a very recent date. . . . The substance of the book is satisfactory; and we may commend it both to students and practitioners."—*Solicitors' Journal*.

"Mr. Banning's 'Concise Treatise' justifies its title. He brings into a convenient compass a general view of the law as to the limitation of actions as it exists under numerous statutes, and a digest of the principal reported cases relating to the subject which have arisen in the English and American courts."—*Saturday Review*.

"Mr. Banning has adhered to the plan of printing the Acts in an appendix, and making his book a running treatise on the case-law thereon. The cases have evidently been investigated with care and digested with clearness and intellectuality."—*Law Journal*.

In 8vo, price 8s., cloth,

The TRADE MARKS REGISTRATION ACT, 1875,

And the Rules thereunder; THE MERCHANDISE MARKS ACT, 1862, with an Introduction containing a SUMMARY OF THE LAW OF TRADE MARKS, together with practical Notes and Instructions, and a copious INDEX. By EDWARD MORTON DANIEL, of Lincoln's Inn, Barrister-at-Law.

"The last of the works on this subject, that by Mr. Daniel, appears to have been very carefully done. Mr. Daniel's book is a satisfactory and useful guide."—*The Engineer*.

"This treatise contains, within moderate compass, the whole of the law, as far as practically required, on the subject of trade marks. The publication is opportune, the subject being one which must nearly concern a considerable portion of the public, and it may be recommended to all who desire to take advantage of the protection afforded by registration under the new legislation. It is practical, and seems to be complete in every respect. The volume is well printed and neatly got up."—*Law Times*.

In 8vo, price 1s., sewed,

AN ESSAY ON THE

ABOLITION OF CAPITAL PUNISHMENT.

Embracing more particularly an Enunciation and Analysis of the Principles of Law as applicable to Criminals of the Highest Degree of Guilt.

By WALTER ARTHUR COPINGER,

OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW;

Author of "The Law of Copyright in Works of Literature and Art," "Index to Precedents in Conveyancing," "On the Custody and Production of Title Deeds."

"We can recommend Mr. Copinger's book as containing the fullest collection we have seen of facts and quotations from eminent jurists, statistics, and general information bearing on the subject of capital punishments."—*Manchester Courier*.

In 8vo, price 31s. 6d., cloth,

THE INDIAN CONTRACT ACT, No. IX., of 1872.

TOGETHER

WITH AN INTRODUCTION AND EXPLANATORY NOTES, TABLE OF CONTENTS, APPENDIX, AND INDEX.

By H. S. CUNNINGHAM AND H. H. SHEPHERD,

BARRISTERS-AT-LAW.

Second Edition, in 8vo, price 8s., cloth,

THE PARTITION ACTS, 1868 & 1876,

A MANUAL OF THE LAW OF PARTITION AND OF SALE
IN LIEU OF PARTITION.

With the Decided Cases, and an Appendix containing Judgments and Orders.

By W. GREGORY WALKER,

OF LINCOLN'S INN, BARRISTER-AT-LAW, B.A., AUTHOR OF "A COMPENDIUM OF THE LAW OF EXECUTORS AND ADMINISTRATORS."

"This is a very good manual—practical, clearly written, and complete. The subject lends itself well to the mode of treatment adopted by Mr. Walker, and in his notes to the various sections he has carefully brought together the cases and discussed the difficulties arising upon the language of the different provisions."—*Solicitors' Journal*.

"The main body of the work is concerned only with the so-called Partition Acts, which are really Acts enabling the Court in certain cases to substitute a sale for a partition. What these cases are is very well summed up or set out in the present edition of this book, which is well up to date. The

work is supplemented by a very useful selection of precedents of pleadings and orders."—*Law Journal*.

"This is a very painstaking and praiseworthy little treatise. That such a work has now been published needs, in fact, only to be announced; for, meeting as it does an undoubted requirement, it is sure to secure a place in the library of every equity practitioner. . . . We are gratified to be able to add our assurance that the practitioner will find that his confidence has not been misplaced, and that Mr. Walker's manual, compact and inexpensive as it is, is equally exhaustive and valuable."—*Irish Law Times*.

In 8vo, price 21s., cloth,

A TREATISE ON THE

LAW AND PRACTICE RELATING TO INFANTS.

By ARCHIBALD H. SIMPSON, M.A.,

OF LINCOLN'S INN, ESQ., BARRISTER-AT-LAW, AND FELLOW OF CHRIST'S COLLEGE, CAMBRIDGE.

"Mr. Simpson's book comprises the whole of the law relating to infants, both as regards their persons and their property, and we have not observed any very important omissions. The author has evidently expended much trouble and care upon his work, and has brought together, in a concise and convenient form, the law upon the subject down to the present time."—*Solicitors' Journal*.

"Its law is unimpeachable. We have detected no errors, and whilst the work might have been done more scientifically, it is, beyond all question, a compendium of sound legal principles."—*Law Times*.

"Mr. Simpson has arranged the whole of the Law relating to Infants with much fulness of detail, and yet in comparatively little space. The result is due mainly to the businesslike condensation of his style. Fulness, however, has by no means been sacrificed to brevity, and, so far as we have been

able to test it, the work omits no point of any importance, from the earliest cases to the last. In the essential qualities of clearness, completeness, and orderly arrangement it leaves nothing to be desired.

"Lawyers in doubt on any point of law or practice will find the information they require, if it can be found at all, in Mr. Simpson's book, and a writer of whom this can be said may congratulate himself on having achieved a considerable success."—*Law Magazine*, February, 1876.

"The reputation of 'Simpson on Infants' is now too perfectly established to need any encomiums on our part: and we can only say that, as the result of our own experience, we have invariably found this work an exhaustive and trustworthy repository of information on every question connected with the law and practice relating to its subject."—*Irish Law Times*, July 7, 1877.

In 8vo, price 8s., cloth,

THE LAW CONCERNING THE

REGISTRATION OF BIRTHS AND DEATHS

IN ENGLAND AND WALES, AND AT SEA.

Being the whole Statute Law upon the subject; together with a list of Registration Fees and Charges. Edited, with Copious Explanatory Notes and References, and an Elaborate Index, by ARTHUR JOHN FLAXMAN, of the Middle Temple, Barrister-at-Law.

"Mr. Flaxman's unpretentious but admirable little book makes the duties of all parties under the Act abundantly clear. . . . Lawyers will find the book not only handy, but also instructive and suggestive. To registrars, and all persons engaged in the execution of the law, the book will be invaluable. The index occupies thirty-five pages, and is so full that information on a minute point can be obtained without trouble. It is an index that must have cost the author much thought and time. The statements of what is to be done, who may do it, and what must not be done, are so clear that it is well-nigh impossible for any one who consults the book to err. Those who use Flaxman's 'Regis-

tration of Births and Deaths' will admit that our laudatory criticism is thoroughly merited."—*Law Journal*.

"Mr. Arthur John Flaxman, barrister-at-law, of the Middle Temple, has published a small work on 'The Law concerning the Registration of Births and Deaths in England and Wales, and at Sea.' Mr. Flaxman has pursued the only possible plan, giving the statutes and references to cases. The remarkable feature is the index, which fills no less than 35 out of a total of 112 pages. The index alone would be extremely useful, and is worth the money asked for the work."—*Law Times*.

THE LAW OF EXTRADITION.

Second Edition, in 8vo, price 18s., cloth,

A TREATISE UPON

THE LAW OF EXTRADITION,

WITH THE

CONVENTIONS UPON THE SUBJECT EXISTING BETWEEN
ENGLAND AND FOREIGN NATIONS,

AND THE CASES DECIDED THEREON.

By EDWARD CLARKE,

OF LINCOLN'S INN, Q.C.

"Mr. Clarke's accurate and sensible book is the best authority to which the English reader can turn upon the subject of Extradition."—*Saturday Review*.

"The opinion we expressed of the merits of this work when it first appeared has been fully justified by the reputation it has gained. This new edition, embodying and explaining the recent legislation on extradition, is likely to sustain that reputation. . . . There are other points we had marked for comment, but we must content ourselves with heartily commending this new edition to the attention of the profession. It is seldom we come across a book possessing so much interest to the general reader and at the same time furnishing so useful a guide to the lawyer."—*Solicitors' Journal*.

"The appearance of a second edition of this treatise does not surprise us. It is a useful book, well arranged and well written. A student who wants to learn the principles and practice of the law of extradition will be greatly helped by Mr. Clarke. Lawyers who have extradition business will find this volume an excellent book of reference. Magistrates who have to administer the extradition law will be greatly assisted by a careful perusal of 'Clarke upon Extradition.' This may be called a warm commendation, but those who have read the book will not say it is unmerited. We have so often to expose the false pretenders to legal authorship that it is a pleasure to meet with a volume that is the useful and unpretending result of honest work. Besides the Appendix, which contains the extradition conventions of this country since 1843, we have eight chapters. The first is 'Upon the Duty of Extradition'; the second on the 'Early Treaties and Cases'; the others on the law in the United States, Canada, England, and France, and the practice in those countries."—*Law Journal*.

"One of the most interesting and valuable contributions to legal literature which it has been our province to notice for a long time, is 'Clarke's Treatise on the Law of Extradition.' . . . Mr. Clarke's work comprises chapters upon the Duty of Extradition; Early Treaties and Cases; History of the Law in the United States, in Canada, in England, in France, &c., with an Appendix containing the Conventions existing between England and Foreign Nations, and the cases decided thereon. . . . The work is ably prepared throughout, and should form a part of the library of every lawyer interested in great Constitutional or International Questions."—*Albany Law Journal*.

THE TIMES of September 7, 1874, in a long article upon "Extradition Treaties," makes considerable use of this work, and writes of it as "*Mr. Clarke's useful Work on Extradition.*"

In 8vo, 1876, price 8s., cloth,

THE PRACTICE AND PROCEDURE IN APPEALS
FROM INDIA TO THE PRIVY COUNCIL.

By E. B. MICHELL AND R. B. MICHELL,

BARRISTERS-AT-LAW.

"A useful manual arranging the practice in convenient order, and giving the rules in force in several Courts. It will be a decided acquisition to those engaged in Appeals from India."—*Law Times*.

PRACTICE OF CONVEYANCING.

In 8vo, price 2s. 6d., cloth,

TABLES OF STAMP DUTIES
FROM 1815 TO THE PRESENT TIME.

By WALTER ARTHUR COPINGER,

OF THE MIDDLE TEMPLE, ESQUIRE, BARRISTER-AT-LAW: AUTHOR OF "THE
LAW OF COPYRIGHT IN WORKS OF LITERATURE AND ART," "INDEX
TO PRECEDENTS IN CONVEYANCING," "TITLE DEEDS" &c.

"Conveyancers owe Mr. Copinger a debt of gratitude for his valuable Index to Precedents in Conveyancing; and we think the little book now before us will add to their obligations. Mr. Copinger gives, first of all, an abstract of the Stamp Act, 1870, with the special regulations affecting conveyances, mortgages, and settlements in full. He then presents in a tabular form the *ad valorem* stamp duties on conveyances, mortgages, and settlements, payable in England from the 1st of September, 1815, to the 10th of October, 1850, and then tables of *ad valorem* duties payable on the three classes of instruments since the last-mentioned date, and at the present time: arranged very clearly in columns. We cannot pretend to have checked

the figures, but those we have looked at are correct: and we think this little book ought to find its way into a good many chambers and offices."—*Solicitors' Journal*.

"This book, or at least one containing the same amount of valuable and well-arranged information, should find a place in every Solicitor's office. It is of especial value when examining the abstract of a large number of old title deeds."—*Law Times*.

"His *Tables of Stamp Duties*, from 1815 to 1878, have already been tested in Chambers, and being now published, will materially lighten the labours of the profession in a tedious department, yet one requiring great care."—*Law Magazine and Review*.

In one volume, 8vo, price 14s., cloth,

TITLE DEEDS:

THEIR CUSTODY, INSPECTION, AND PRODUCTION, AT LAW, IN
EQUITY, AND IN MATTERS OF CONVEYANCING,Including Covenants for the Production of Deeds and Attested Copies; with an Appendix
of Precedents, the Vendor and Purchaser Act, 1874, &c., &c., &c. By WALTER
ARTHUR COPINGER, of the Middle Temple, Barrister-at-Law; Author of "The
Law of Copyright" and "Index to Precedents in Conveyancing."

"In dealing with 'documentary evidence at law and in equity and in matters of conveyancing, including covenants for the production of deeds and attested copies,' Mr. Copinger has shown discrimination, for it is a branch of the general subject of evidence which is very susceptible of independent treatment. We are glad, therefore, to be able to approve both of the design and the manner in which it has been executed.

"The literary execution of the work is good enough to invite quotation, but the volume is not

large and we content ourselves with recommending it to the profession."—*Law Times*.

"A really good treatise on this subject must be essential to the lawyer: and this is what we have here. Mr. Copinger has supplied a much-felt want, by the compilation of this volume. We have not space to go into the details of the book; it appears well arranged, clearly written, and fully elaborated. With these few remarks we recommend this volume to our readers."—*Law Journal*.

In 8vo, Second Edition, considerably enlarged, price 30s., cloth,

THE LAW OF COPYRIGHT,

In Works of Literature and Art; including that of the Drama, Music, Engraving,
Sculpture, Painting, Photography, and Ornamental and Useful Designs; together
with International and Foreign Copyright, with the Statutes Relating thereto, and
References to the English and American Decisions. By WALTER ARTHUR
COPINGER, of the Middle Temple, Barrister-at-Law.

"Mr. Copinger's book is very comprehensive, dealing with every branch of his subject, and even extending to copyright in foreign countries. So far as we have examined, we have found all the recent authorities noted up with scrupulous care, and there is an unusually good index. There are merits which will, doubtless, lead to the placing of this edition on the shelves of the members of the

profession whose business is concerned with copyright; and deservedly, for the book is one of considerable value."—*Solicitors' Journal*.

"Meanwhile we recommend Mr. Copinger's volume as a clear and convenient work of reference on the many knotty points connected with the existing Law of Copyright, national and international."—*Notes and Queries*.

Second Edition, in One large Volume, 8vo, price 42s., cloth,

A MAGISTERIAL AND POLICE GUIDE :

BEING THE STATUTE LAW,

INCLUDING THE SESSION 43 VICT. 1880.

WITH NOTES AND REFERENCES TO THE DECIDED CASES,

RELATING TO THE

PROCEDURE, JURISDICTION, AND DUTIES OF MAGISTRATES
AND POLICE AUTHORITIES,

IN THE METROPOLIS AND IN THE COUNTRY.

With an Introduction showing the General Procedure before Magistrates both in Indictable and Summary Matters, as altered by the Summary Jurisdiction Act, 1879, together with the Rules under the said Act.

By HENRY C. GREENWOOD,

STIPENDIARY MAGISTRATE FOR THE DISTRICT OF THE STAFFORDSHIRE POTTERIES ; AND

TEMPLE C. MARTIN,

CHIEF CLERK OF THE LAMBETH POLICE COURT.

"A second edition has appeared of Messrs. Greenwood and Martin's valuable and comprehensive magisterial and police Guide, a book which Justices of the peace should take care to include in their Libraries."—*Saturday Review*.

"Hence it is that we rarely light upon a work which commands our confidence, not merely by its research, but also by its grasp of the subject of which it treats. The volume before us is one of the happy few of this latter class, and it is on this account that the public favour will certainly wait upon it. We are moreover convinced that no effort has been spared by its authors, to render it a thoroughly efficient and trustworthy guide."—*Law Journal*.

"Magistrates will find a valuable handbook in Messrs. Greenwood and Martin's 'Magisterial and Police Guide,' of which a fresh Edition has just been published."—*The Times*.

"A very valuable introduction, treating of proceedings before Magistrates, and largely of the Summary Jurisdiction Act, is in itself a treatise which will repay perusal. We expressed our high opinion of the Guide when it first appeared, and the favourable impression then produced is increased by our examination of this Second Edition."—*Law Times*.

"For the form of the work we have nothing but commendation. We may say we have here our ideal law book. It may be said to omit nothing which it ought to contain."—*Law Times*.

"This handsome volume aims at presenting a comprehensive magisterial handbook for the whole of England. The mode of arrangement seems to us excellent, and is well carried out."—*Solicitors' Journal*.

"The *Magisterial and Police Guide*, by Mr. Henry Greenwood and Mr. Temple Martin, is a model work in its conciseness, and, so far as we have been able to test it, in completeness and accuracy. It ought to be in the hands of all who, as magistrates or otherwise, have authority in matters of police."—*Daily News*.

"This work is eminently practical, and supplies a real want. It plainly and concisely states the law on all points upon which Magistrates are called upon to adjudicate, systematically arranged, so as to be easy of reference. It ought to find a place on every Justice's table, and we cannot but think that its usefulness will speedily ensure for it as large a sale as its merits deserve."—*Midland Counties Herald*.

"The exceedingly arduous task of collecting together all the enactments on the subject has been ably and efficiently performed, and the arrangement is so methodical and precise that one is able to lay a finger on a Section of an Act almost in a moment. It is wonderful what a mass of information is comprised in so comparatively small a space. We have much pleasure in recommending the volume not only to our professional, but also to our general readers; nothing can be more useful to the public than an acquaintance with the outlines of magisterial jurisdiction and procedure."—*Sheffield Post*.

Now published, in crown 8vo, price 4s., cloth,

A HANDBOOK OF THE
LAW OF PARLIAMENTARY REGISTRATION.
WITH AN APPENDIX OF STATUTES AND FULL INDEX.

By J. R. SEAGER, REGISTRATION AGENT.

In 8vo, price 5s., cloth, post free,

THE LAW OF
PROMOTERS OF PUBLIC COMPANIES.

By NEWMAN WATTS,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

"Some recent cases in our law courts, which at the time attracted much public notice, have demonstrated the want of some clear and concise exposition of the powers and liabilities of promoters, and this task has been ably performed by Mr. Newman Watts."—*Investor's Guardian*.

"Mr. Watts has brought together all the leading decisions relating to promoters and directors, and has arranged the information in a very satisfactory manner, so as to readily show the rights of different parties and the steps which can be legally taken by promoters to further interests of new companies."—*Daily Chronicle*.

In One Vol., 8vo, price 12s., cloth,

A COMPENDIUM OF ROMAN LAW,

Founded on the Institutes of Justinian ;

TOGETHER WITH

EXAMINATION QUESTIONS

SET IN THE UNIVERSITY AND BAR EXAMINATIONS
(WITH SOLUTIONS),

AND DEFINITIONS OF LEADING TERMS IN THE WORDS
OF THE PRINCIPAL AUTHORITIES.

By GORDON CAMPBELL,

Of the Inner Temple, M.A., late Scholar of Exeter College, Oxford ; M.A. Trinity College, Cambridge ; Author of "An Analysis of Austin's Jurisprudence, or the Philosophy of Positive Law."

"Mr. Campbell, in producing a compendium of the Roman law, has gone to the best English works already existing on the subject, and has made excellent use of the materials found in them. The volume is especially intended for the use of students

who have to pass an examination in Roman law, and its arrangement with a view to this end appears very good. The existence of text-books such as this should do much to prevent the evil system of cramming."—*Saturday Review*.

In 8vo, price 7s. 6d., cloth,

TITLES TO MINES IN THE UNITED STATES,

WITH THE

STATUTES AND REFERENCES TO THE DECISIONS
OF THE COURTS RELATING THERETO.

By W. A. HARRIS, B.A., OXON.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, AND OF THE AMERICAN BAR.

INDEX

TO THE NAMES OF AUTHORS AND EDITORS OF WORKS ENUMERATED
IN THIS CATALOGUE.

ARGLES (N.), page 32.

BALDWIN (E. T.), 15.

BANNING (H. T.), 42.

BARTON (G. B.), 18.

BELLEWE (R.), 34.

BRAITHWAITE (T. W.), 18.

BRICE (SEWARD), 9, 16.

BROOKE (SIR R.), 35.

BROWN (ARCHIBALD), 20, 22, 33.

BROWNE (J. H. BALFOUR), 19.

BUCHANAN, (J.), 38.

BUCKLEY (H. B.), 17.

BUCKNILL (T. T.), 34, 35.

BUSHBY (H. J.), 33.

CAMPBELL (GORDON), 47.

CAMPBELL (ROBERT), 9, 40.

CHALMERS (M. D.), 10.

CLARKE (EDWARD), 44.

COGHLAN (W. M.), 28.

COOKE (SIR G.), 35.

COOKE (HUGH), 10.

COPINGER (W. A.), 40, 42, 45.

CORNER (R. J.), 10.

CUNNINGHAM (H. S.), 38, 42.

CUNNINGHAM (JOHN), 7.

CUNNINGHAM (T.), 34.

DANIEL (E. M.), 42.

DEANE (H. C.), 23.

DE WAL (J.), 38.

DOUTRE (J.), 28.

EDWARDS (W. D.), 39.

EMDEN (A.), 8.

EVANS (G.), 32.

FINLASON (W. F.), 32.

FLAXMAN (A. J.), 43.

FOOTE (J. ALDERSON), 36.

FORSYTH (W.), 14.

GIBBS (F. W.), 10.

GODEFROI (H.), 14.

GOODEVE (L. A.), 29.

GREENWOOD (H. C.), 46.

GRIFFITH (J. R.), 40.

GRIFFITH (W. DOWNES), 6.

GROTIUS (HUGO), 38.

HALL (R. G.), 30.

HANSON (A.), 10.

HARDCASTLE (H.), 9, 33.

HARRIS (SEYMOUR F.), 20.

HARRIS (W. A.), 47.

HARRISON (J. C.), 23.

HARWOOD (R. G.), 10.

HIGGS (C.), 12, 30.

HOUSTON (J.), 32.

INDERMAUR (JOHN), page 24, 25.

JONES (E.), 14.

JOYCE (W.), 11.

KAY (JOSEPH), 17.

KELKE (W. H.), 6.

KELYNG (SIR J.), 35.

KELYNGE (W.), 35.

KOTZÉ (J. G.), 38.

LLOYD (EYRE), 13.

LOCKE (J.), 32.

LORENZ (C. A.), 38.

LOVELAND (R. L.), 6, 30, 34, 35.

MAASDORP (A. F. S.), 38.

MARCH (JOHN), 35.

MARSH (THOMAS), 21.

MARTIN (TEMPLE C.), 46.

MATTINSON (M. W.), 7.

MAY (H. W.), 29.

MAYNE (JOHN D.), 31, 38.

MENZIES (W.), 38.

MICHELL (E. B.), 44.

MORIARTY, 14.

O'MALLEY (E. L.), 33.

PEMBERTON (L. L.), 32.

REILLY (F. S.), 29.

RINGWOOD (R.), 15.

ROBINSON (W. G.), 32.

SAVIGNY (F. C. VON), 20.

SEAGER (J. R.), 47.

SHORT (F. H.), 10, 41.

SHORTT (JOHN), 14.

SHOWER (SIR B.), 34.

SIMMONS (F.), 6.

SIMPSON (A. H.), 43.

SMITH (EUSTACE), 23, 39.

SMITH (LUMLEY), 31.

SNELL (E. H. T.), 22.

TARRANT (H. J.), 14.

TARRING (C. J.), 26, 41.

TASWELL-LANGMEAD, 21.

THOMAS (ERNEST C.), 28.

TYSSEN (A. D.), 39.

VAN DER KEESEL (D. G.), 38.

VAN LEEUWEN, 38.

WALKER (W. G.), 6, 40, 43.

WATTS (C. N.), 47.

WHITEFORD (F. M.), 20.

WILLIAMS (S. E.), 7.



